

PROPOSED RULES

**NORTH DAKOTA ADMINISTRATIVE CODE
ARTICLE 45-11
LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION**

Chapter
45-11-01 Notice to Policy Owners

**CHAPTER 45-11-01
NOTICE TO POLICY OWNERS**

Section
45-11-01-01 Required Notice to Policy Owners

45-11-01-01. Required notice to policy owners. A document that describes the general purposes and current limitations of the North Dakota life and health insurance guaranty association as required by subsections 2 and 3 of section 26.1-38.1-16 of the North Dakota Century Code must be in the form and contain the language printed in the notice shown in exhibit A.

History: Effective September 1, 1990; amended effective January 1, 2000; 2012 .

General Authority: NDCC 26.1-38.1-16

Law Implemented: NDCC 26.1-38.1-16

Replace Exhibit A – Notice Concerning Coverage, Limitations and Exclusions Under the North Dakota Life and Health Insurance Guaranty Association Act with the following two pages:

**NOTICE CONCERNING COVERAGE,
LIMITATIONS AND EXCLUSIONS UNDER THE
NORTH DAKOTA LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT**

A resident of North Dakota who purchases life insurance, annuities, or accident and health insurance should know that an insurance company licensed in this state to write these types of insurance is a member of the North Dakota Life and Health Insurance Guaranty Association. The purpose of this association is to assure that a policy owner will be protected, within statutory limits, if a member insurer becomes financially unable to meet its obligations. If this should happen, the guaranty association will assess its other member insurance companies for the money to pay the claims of insured persons who live in this state and, in some cases, to keep coverage in force. The valuable extra protection provided by these insurers through the guaranty association is not unlimited, however. And, as noted in the box below, this protection is not a substitute for your care in selecting a company that is well-managed and financially stable.

The North Dakota Life and Health Insurance Guaranty Association may not provide coverage for this policy. If coverage is provided, it may be subject to substantial limitations or exclusions, and require continued residency in North Dakota. You should not rely on coverage by the North Dakota Life and Health Insurance Guaranty Association in selecting an insurance company or in selecting an insurance policy.

Your insurance company or its agent is required by law to give or send you this notice. However, your insurance company and its agent are prohibited by law from using the existence of the Guaranty Association to induce you to purchase any kind of insurance policy.

[Insurer's Name]
[Address]
[Telephone Number]

**The North Dakota Life and Health Insurance Guaranty Association
P.O. Box 2422
Fargo, North Dakota 58108**

**North Dakota Insurance Department
600 East Boulevard Avenue, Dept. 401
Bismarck, North Dakota 58505**

The state law that provides for this safety-net coverage is called the North Dakota Life and Health Insurance Guaranty Association Act. On the back of this page is a brief summary of this law's coverages, exclusions, and limits. This summary does not cover all provisions of the law; nor does it in any way change your rights or obligations under the act or the rights or obligations of the Guaranty Association.

COVERAGE

Generally, an individual will be protected by the Life and Health Insurance Guaranty Association if the individual lives in North Dakota and holds a life or health insurance contract or annuity contract, or if the insured is insured under a group insurance contract issued by a member insurer. A beneficiary, payee, or assignee of an insured person is protected as well, even if a nonresident of North Dakota.

(please turn to back of page)

EXCLUSIONS FROM COVERAGE

However, a person holding a policy is not protected by this association if:

- The individual is eligible for protection under the laws of another state (this may occur when the insolvent insurer was incorporated in another state whose guaranty association protects insureds who live outside that state).
- The insurer was not authorized to do business in this state.
- The policy is issued by an organization which is not a member of the North Dakota Life and Health Insurance Guaranty Association. Health maintenance organizations, fraternal benefit societies, and the Comprehensive Health Association of North Dakota are not members of the guaranty association.

The association does not provide coverage for:

- A policy of reinsurance (unless an assumption certificate was issued).
- An interest rate yield that exceeds an average rate.
- A dividend.
- A credit given in connection with the administration of a policy by a group contractholder.
- An employer's plan to the extent that it is self-funded (that is, not insured by an insurance company, even if an insurance company administers the plan).
- A policy or contract providing any hospital, medical, prescription drug, or other healthcare benefits associated with Medicare Part C and Part D.

LIMITS ON AMOUNT OF COVERAGE

The act also limits the amount the association is obligated to pay. The association cannot pay more than what the insurance company would owe under a policy or contract. For any one insured life, no matter how many policies or contracts with the same company, for the following types of coverage, the association is only obligated up to the maximum amounts set out below.

- \$300,000 in life insurance death benefits, but no more than \$100,000 in cash surrender and withdrawal values.
- \$500,000 for basic hospital, medical, surgical or major medical policies.
- \$300,000 for disability and for long term care policies.
- \$100,000 for other health policies, including cash surrender and withdrawal values.
- \$250,000 for the present value of annuity benefits, including cash surrender and withdrawal values.

For any one life, the association will not be liable, in the aggregate, for more than \$300,000 for health-related benefits (disability, long-term care and other health policies), except that the aggregate liability for basic hospital, medical, surgical and major medical benefits will be \$500,000.

The association will not be liable, in the aggregate, for more than \$5,000,000, to one owner of multiple nongroup policies of life insurance no matter how many policies or contracts are held by the owner.

Note to benefit plan trustees or other holders of unallocated annuities (GICs, DACs, etc.) covered by the act: For unallocated annuities that fund governmental retirement plans under §§ 401(k), 403(b), or 457 of the Internal Revenue Code, the limit is \$250,000 in present value of annuity benefits including net cash surrender and net cash withdrawal per participating individual. In no event shall the association be liable to spend more than \$300,000 in the aggregate per individual. For covered unallocated annuities that fund other plans, a special limit of \$5,000,000 applies to each contract holder, regardless of the number of contracts held with the same company or number of persons covered. In all cases the contract limits also apply.

COMPLAINTS AND COMPANY FINANCIAL INFORMATION

A written complaint to allege a violation of any provision of the Life and Health Insurance Guaranty Association Act must be filed with the North Dakota Insurance Department, 600 East Boulevard Avenue, Dept. 401, Bismarck, North Dakota 58505; telephone - (701) 328-2440. Financial information for an insurance company, if the information is not proprietary, is available at the same address and telephone number.