



Oregon

Theodore R. Kulongoski, Governor

Department of Consumer and Business Services

Insurance Division

350 Winter St. NE

PO Box 14480

Salem, OR 97301-0405

Phone (503) 947-7980

FAX (503) 78-4351

TTY (503) 947-7280

insurance.oregon.gov

THIS BULLETIN HAS BEEN WITHDRAWN

OREGON INSURANCE DIVISION BULLETIN INS 2009-1

TO: All Health Insurers, Producer, and Representatives

RE: New Filing Procedures for Health Insurance Advertisement

This bulletin replaces 2000-2.

Purpose:

This Bulletin provides new instructions for filing health insurance advertisements including a new self-certification method.

For the purpose of this bulletin, advertisement or advertising material includes all sales and marketing materials used by health insurers and producers.

Authority:

The Director of the Department of Consumer and Business Services (DCBS) may require the filing by an insurer of any producers' materials, of any health sales presentation material for use in the sale or the presentation for sale of any health policy by authority of ORS 742.009 and adopted by rule OAR 836-020-0200 to 836-020-0305.

This bulletin applies to health insurance as defined in ORS 731.162.

The Department shall apply and insurers are expected to use and comply with, at a minimum, the standards, practices and procedures established in the Transmittal and Product Standards for Health Advertisements.

Advertisements will be disapproved if the director finds that, in whole or in part, it is false, deceptive, or misleading. Upon disapproval, such sales presentation material shall not be made, issued, circulated, displayed, or given other use by the insurer as defined in ORS 742.005(5) and ORS 742.009.

Advertising material created by producers that identify specific plan designs offered by an identified insurer may be filed or self-certified by the insurer.

Materials that contain generic descriptions of types of insurance, company history, financial reports, and information to recruit producers do not need to be filed.

Section 1 – Self-certification:

- The self-certification method must be used for all lines of health.
- Health advertisements that self-certify must be retained in the insurer’s home office for five (5) years from the date of the self-certification.
- Self-certifications must occur prior to use of the health advertising materials.
- All health advertisements must contain a unique form number at bottom left hand corner of the first page.

The following Product Standards must be completed and submitted:

- To file the self-certification refer to Page 2 of the Transmittal and Standards for Health Advertisements (Form No. 440-3308 H) titled “Self-Certification Method”.

Section 2 - Health Advertisements that require Prior Approval:

- Advertisements when an application is attached (tear or cut off).
- Direct-mail marketing when an application form is mailed.
- Solicitation to seniors.
- Medicare supplement.
- Advertisement used for new health products offered by the insurer.
- Long term care.

The following Product Standards must be completed and submitted:

- Standards for Health Application, (Form No. 440-2442H) if the advertisement is attached to an application.
- Transmittal and Product Standards for Health Advertisements (Form No. 440-3308H).

Filing Methods: Health advertisement forms may be submitted via SERFF or paper filing.

Paper Filings:

When filing a revision of a previously approved advertisement via paper form, the filing must include a clean copy of the new advertisement, a marked copy of the old advertisement which clearly identifies the differences referred to as the “red-line” version, and a completed Transmittal and Standards for Health Advertisements (Form No. 440-3308H).

SERFF Filings:

If filing via SERFF, a copy of the previously approved advertisement (or a redline copy) must be included in the filing, as well as the SERFF filing number under which the form was previously approved.

Oregon prefers the filers to use the self-certification method for most advertisements. However, at any time, an insurer may file any advertisement for review and approval by the Oregon Insurance Division.

Please visit our web site for general filing tips.

http://www.cbs.state.or.us/ins/insurer/rates_forms/rateform-general_filing-tips.html

This bulletin takes effect immediately.

This bulletin is dated the 5th day of May 2009 at Salem, Oregon.

(Signed)

Teresa D. Miller
Acting Administrator

Date