



DOMESTIC/FOREIGN INSURERS BULLETIN NO. 43

TO: ALL HEALTH INSURERS

RE: PROHIBITION OF POST-CLAIM RESCISSION

DATED: June 9, 2011

Pursuant to the Federal Health Care Reform, the Delaware Legislature enacted HB 420 to create Chapter 61 of Title 18 of the Delaware Code (effective September 23, 2010). Chapter 61 prohibits rescissions based on post-claims underwriting of any health insurance policies except in cases of fraud or intentional misrepresentation of material fact.

Any carrier seeking to rescind a health insurance policy is required to complete the on-line application (<http://delawareinsurance.gov/health/rescission.shtml>) and send it, together with all supporting information, to:

**Delaware Department of Insurance
Attn: Consumer Services
841 Silver Lake Boulevard
Dover DE 19904**

Accordingly, all contracts for health insurance issued and delivered after September 23, 2010, must request and receive prior approval from the Delaware Department of Insurance before a health insurance policy can be rescinded based upon post-claim underwriting.

**Karen Weldin Stewart, CIR-ML
Insurance Commissioner**