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Bulletin 89-1

Group policies issued outside of this state which extend coverage to residents of this state

January 31, 1989

South Carolina Code SECTIONS 38-65-60 and 38-71-750 set out the requirements for group life and group accident and health insurance policies, respectively, issued outside of South Carolina which extend coverage to residents in South Carolina. These statutes clearly provide that while such policies need not receive approval to be used in South Carolina, they must nevertheless conform to South Carolina's requirements for group life, accident and health insurance and must be made available to the Department on an informational basis.

Effective immediately, all group life, accident and health insurance policies and certificates, other than "mass marketed" policies and certificates as defined under SECTIONS 38-65-50 and 38-71-740, issued outside of this State which cover residents of this State must be filed in duplicate with the South Carolina Department of Insurance on an informational basis. All such filings, whether pending or new filings, must be accompanied by a sworn certification executed by an officer of the insurer that **the policy forms fully comply with SECTION 38-65-210 in the case of group life insurance or with Article 5 of Chapter 71 of Title 38 in the case of group accident and health insurance.** The certification should also state that **the insurer will comply with the requirements of this State relating to advertising and to claims settlement practices with respect to the insurance.** A postage paid return envelope should also be enclosed with the filing. All "mass-marketed" forms must be filed for approval prior to use in this State.

If it is determined, notwithstanding the certification as required in the second paragraph of this Bulletin, that the policy form does not comply with South Carolina's group life, accident and health insurance laws, appropriate disciplinary action will be instituted.

John G. Richards
Chief Insurance Commissioner

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