

643.

(A) An insurer may not advertise, market, or offer a policy or contract as long-term care insurance or long-term nursing home insurance unless the policy or contract complies with the provisions of this subtitle.

(B) (1) BEFORE AN INSURER ADVERTISES, VIA TELEVISION, RADIO, OR IN WRITING, A POLICY OR CONTRACT OF LONG-TERM CARE INSURANCE OR LONG-TERM NURSING HOME INSURANCE THAT IS OFFERED FOR SALE IN MARYLAND, THE INSURER SHALL SUBMIT A COPY OF THE ADVERTISEMENT TO THE COMMISSIONER FOR REVIEW.

(2) AN INSURER SHALL RETAIN EACH ADVERTISEMENT FOR 3 YEARS FROM THE DATE THE ADVERTISEMENT WAS FIRST USED.

(3) THE COMMISSIONER MAY EXEMPT AN INSURER OR AN INSURER'S ADVERTISING FORM OR MATERIAL FROM THE REQUIREMENTS OF THIS SECTION WHEN, IN THE COMMISSIONER'S OPINION, THE REQUIREMENTS MAY NOT REASONABLY BE APPLIED.

(C) AN INSURER MARKETING LONG-TERM CARE INSURANCE COVERAGE IN THE STATE SHALL:

(1) ESTABLISH MARKETING PROCEDURES TO ASSURE THAT ANY COMPARISON OF POLICIES BY AGENTS OF THE INSURER WILL BE FAIR AND ACCURATE;

(2) ESTABLISH MARKETING PROCEDURES TO PREVENT THE SALE OR ISSUANCE OF EXCESSIVE INSURANCE;

(3) MAKE EVERY REASONABLE EFFORT TO IDENTIFY WHETHER A PROSPECTIVE APPLICANT FOR LONG-TERM CARE INSURANCE:

(I) ALREADY HAS LONG-TERM CARE INSURANCE AND THE TYPES AND AMOUNTS OF THE INSURANCE;

(II) HAD LONG-TERM CARE INSURANCE IN FORCE DURING THE LAST 12 MONTHS;

(III) IS COVERED UNDER THE MEDICAL ASSISTANCE PROGRAM; OR

(IV) INTENDS TO REPLACE ANY EXISTING MEDICAL OR HEALTH INSURANCE COVERAGE WITH LONG-TERM CARE INSURANCE;

(4) ESTABLISH PROCEDURES FOR VERIFYING COMPLIANCE WITH THE PROVISIONS OF THIS SUBSECTION;

(5) TO THE EXTENT POSSIBLE, PROVIDE INFORMATION ON ANY SENIOR CITIZEN COUNSELING PROGRAM; AND

(6) DISPLAY PROMINENTLY ON THE FIRST PAGE OF THE OUTLINE OF COVERAGE AND THE POLICY THE FOLLOWING: