

"Health insurance" § 1-101

"Insurance" § 1-101

"Long-term care insurance" § 18-101

"Policy" § 1-101

18-104. QUESTIONS IN APPLICATIONS.

(A) HEALTH CONDITION OF APPLICANT.

EACH APPLICATION FOR LONG-TERM CARE INSURANCE, EXCEPT APPLICATIONS THAT ARE FOR LONG-TERM CARE INSURANCE THAT IS GUARANTEED ISSUE, SHALL CONTAIN CLEAR AND UNAMBIGUOUS QUESTIONS TO ASCERTAIN THE HEALTH CONDITION OF THE APPLICANT.

(B) MEDICATIONS.

(1) IF AN APPLICATION FOR LONG-TERM CARE INSURANCE ASKS WHETHER THE APPLICANT HAS HAD MEDICATION PRESCRIBED BY A PHYSICIAN, THE APPLICATION ALSO SHALL ASK THE APPLICANT TO LIST THE MEDICATION THAT HAS BEEN PRESCRIBED.

(2) IF THE CARRIER KNEW OR SHOULD HAVE KNOWN THAT THE MEDICATION LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION AT THE TIME OF APPLICATION WAS DIRECTLY RELATED TO A MEDICAL CONDITION FOR WHICH COVERAGE WOULD OTHERWISE BE DENIED, THE POLICY OR CERTIFICATE OF LONG-TERM CARE INSURANCE MAY NOT BE RESCINDED FOR THAT CONDITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 646.1.

Defined terms: "Applicant" § 18-101

"Carrier" § 18-101

"Certificate" § 18-101

"Long-term care insurance" § 18-101

"Policy" § 1-101

18-105. APPLICANTS AT LEAST 80 YEARS OLD.

BEFORE ISSUING A POLICY OF LONG-TERM CARE INSURANCE TO AN APPLICANT WHO IS AT LEAST 80 YEARS OLD, UNLESS THE POLICY IS GUARANTEED ISSUE, THE CARRIER SHALL OBTAIN:

- (1) A REPORT OF A PHYSICAL EXAMINATION;
- (2) AN ASSESSMENT OF FUNCTIONAL CAPACITY; OR
- (3) COPIES OF MEDICAL RECORDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 647.1.