
ILLINOIS DEPARTMENT OF INSURANCE
CURRENT AND RECENTLY ADOPTED RULEMAKINGS

MARCH 16, 2018

The following are summaries of administrative rules recently filed by IDOI; they are at various stages in the rulemaking process. The rules listed here have been or soon will be published by the Secretary of State in the Illinois Register. Links are provided to the issues of the Illinois Register in which these rule have been published. In addition, IDOI's adopted rules are available online (after publication in the Illinois Register) at the Illinois General Assembly's Joint Committee on Administrative Rules (JCAR) web page:

<http://ilga.gov/commission/jcar/admincode/050/050parts.html>

The proposed rules have no legal effect until after they have been through the first and second notice periods and are adopted by IDOI and filed with the Secretary of State's Office. The public may submit comments to IDOI during the 45-day first notice period that commences with a rule's initial publication in the Register. The adopted rules may differ from those originally published. JCAR's website contains additional information on the rulemaking process:

<http://ilga.gov/commission/jcar/default.htm>

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FIRST NOTICE:

50 Ill. Adm. Code 206, Domestic Insurers Service of Process Requirements: The rulemaking will provide the method and procedure to designate either a registered agent with an Illinois address and/or any Officer or Director of the insurance company at the home office address to accept service of process on behalf of domestic insurance companies. Specifically, the rulemaking will allow domestic insurance companies to amend their Articles of Incorporation to designate a registered agent's name and/or any Officer or Director of the insurance company at the home office address who will accept service on behalf of the domestic insurance company. The rule will also provide for the public dissemination of this information via the Department's website.

Date Published: [October 13, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 12761

Comment Period Ended: November 27, 2017

For information please contact:

Cliff Garrett
Assistant General Counsel
Department of Insurance
122 S. Michigan Ave., 19th Floor
Chicago, Illinois 60603

or

Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

(312) 814-2435
(312)814-2826 (fax)

(217) 558-0957

50 Ill. Adm. Code 904, Internal Security Standard and Fidelity Bonds: The changes are being made to adjust to the evolution of fidelity and surety bonds being written on a claims made basis rather than an occurrence basis. Also, the amounts of coverage are being transitioned to follow the NAIC examination guidelines.

The main issue has been that the rule requires a one year discovery period which was a common element when these bonds were written on an occurrence basis. Currently and for a number of years now these bonds have been written on a “discovery” or claims made basis which renders the “discovery period” language moot. With the change to a “discovery” basis any claim which comes in while the bond is in effect will be covered by the surety bond.

The changes to the deductibles and amounts of coverage have been repealed so that the NAIC examination guidance can be used instead. The self insurance provisions are being repealed as it is the DOI’s observation that most companies are obtaining these bonds from other companies and we believe best practice for risk management would be to place this risk with another insurance company.

Date Published: [January 5, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 53

Comment Period Ended: February 19, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 914, Life and Accident and Health Policy Forms; Dividends: The rule is being repealed as it is not applicable to any oversight the Department currently undertakes; it is no longer used to define policyholder dividends.

Date Published: [December 29, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 15472

Comment Period Ended: February 12, 2018

For information please contact:

Fred Moore
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5398
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 935, The Minimum Mortality Standard for Valuation of Annuity and Pure Endowment Contracts: The proposed amendment terminates Part 935's applicability to annuity and pure endowment contracts issued on or after January 1, 2017 to avoid a statutory conflict. 215 ILCS 5/223 was recently amended to establish the NAIC Valuation Manual as the source for actuarial valuation standards regarding such contracts. Mortality, interest and methodology standards are maintained in the Valuation Manual beginning January 1, 2017, but the Manual does not provide such standards for contracts issued before that date. Accordingly, Part 935 must be amended so that it does not apply to contracts issued on or after January 1, 2017 but continues to provide standards for contracts not covered by the Valuation Manual.

Date Published: [January 19, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 1061

Comment Period Ended: March 5, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 1403, Family Group Life Insurance Policy Forms: This rule concerns policy forms for family group life insurance, which is an individual policy offered to family groups. This type of policy is no longer commonly issued by companies, and it has been some time since any applicable forms have been submitted to the Department for review. There are no requirements unique to this type of insurance policy in the Insurance Code, and Section 281 of the Code has been repealed. Since this is an individual policy, any necessary protections are still afforded by 215 ILCS 5/224 and 225. The rule is no longer needed, and therefore it is being repealed.

Date Published: [December 29, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 15476

Comment Period Ended: February 12, 2018

For information please contact:

Fred Moore
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5398
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 1407, Accelerated Life Benefit/ Terminal Illness/ Qualified Conditions: The proposed amendment removes an inconsistency caused by recent statutory changes. 215 ILCS 5/223 was recently amended to establish the NAIC Valuation Manual as the source for actuarial opinion and memorandum standards regarding legal reserve life insurance. Part 1408 has been repealed as of the operative date of the Valuation Manual because the Manual has been established as the source for the actuarial opinion and memorandum requirements rather than Part 1408. Part 1407 contains a citation to Part 1408 that will need to be removed and replaced with the appropriate reference to 215 ILCS 5/223.

Date Published: [January 19, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 1066

Comment Period Ended: March 5, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 1409, Valuation of Life Insurance Policies Including the Use of Select Mortality Factors: The proposed amendment negates Part 1409's applicability to companies that are statutorily required to use a principle-based valuation. 215 ILCS 5/223 was recently amended to establish the NAIC Valuation Manual as the source for valuation standards for life insurance policies effective January 1, 2017. Section 223(8)(d)(ii) now provides that the Valuation Manual shall determine which policies are subject to the requirements of a principle-based valuation. Because Part 1409 provides standards that do not apply when a company uses a principle-based valuation, Part 1409 must be amended so as not to apply when Section 223 requires a principle-based valuation through the Valuation Manual. Part 1409 will continue to apply when a principle-based valuation is not required, lest there be no standards in place at all under those circumstances. Additionally, have repealed 50 Ill. Adm. Code 1408 for obsolescence based on the adoption of the Valuation Manual in 215 ILCS 5/223(1b), we need to revise references to Part 1408 that are contained in Part 1409 so that they continue to perform a similar function as before.

Date Published: [January 19, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 1070

Comment Period Ended: March 5, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 1410, Modified Guaranteed Annuity (MGA) Contracts: The proposed amendments remove inconsistencies caused by recent statutory changes. 215 ILCS 5/223 was recently amended to establish the NAIC Valuation Manual as the source for actuarial opinion and memorandum standards. Part 1410 currently contains a reference to Part 1408, the existing source for actuarial opinion and memorandum requirements, but the Department has repealed Part 1408 as of the operative date of the Valuation Manual. The proposed changes to Part 1410 will delete the obsolete reference to Part 1408.

Additionally, the proposed amendments substitute the term "Modified Guaranteed Annuity" with "General Account Modified Guaranteed Annuity" to distinguish the insurance product regulated by Part 1410 from the "Modified Guaranteed Annuity" addressed in the Valuation Manual, which is a substantively different product. This includes a change to the titles of Part 1410 and Section 1410.60.

Finally, the Department has discovered that references to 215 ILCS 5/229.4 currently found in Part 1410 became obsolete when that statute was repealed and replaced with 215 ILCS 5/229.4a. The proposed changes to Part 1410 will replace references to 215 ILCS 5/229.4 with the appropriate references to the corresponding provisions of 215 ILCS 5/229.4a. They also will incorporate the definitions of "appointed actuary" and "qualified actuary" from the recently amended statute at 215 ILCS 5/223(13).

Date Published: [January 19, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 1079

Comment Period Ended: March 5, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 1411, Universal Life Insurance: The proposed amendment terminates Part 1411's applicability to life insurance policies issued on or after January 1, 2017 to avoid a statutory conflict. 215 ILCS 5/223 was recently amended to establish the NAIC Valuation Manual as the source for valuation standards effective January 1, 2017. Valuation standards will be maintained in the Valuation Manual for universal life insurance policies and group certificates issued from that date onward. Part 1411 currently provides valuation standards of its own for policies and group certificates of universal life insurance, so it must be amended to cease applicability to policies issued from January 1, 2017 onward while continuing to provide standards for policies not covered by the Valuation Manual.

Date Published: [January 19, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 1086

Comment Period Ended: March 5, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 1412, Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits: The proposed amendments terminate Part 1412's applicability to life insurance policies issued on or after January 1, 2017 to avoid a statutory conflict. 215 ILCS 5/223 was recently amended to establish the NAIC Valuation Manual as the source for actuarial valuation standards regarding legal reserve life insurance. Mortality, interest and methodology standards are maintained in the Valuation Manual beginning January 1, 2017. 215 ILCS 5/229.2(4c)(h)(vi) was also amended to have the Valuation Manual provide the applicable mortality table to determine minimum nonforfeiture benefit standards for policies issued on or after January 1, 2017. Because Part 1412 currently prescribes the standards for the use of mortality tables, this Part will be amended to cease applicability to policies issued on or after January 1, 2017 while continuing to provide standards for policies not covered by the Valuation Manual.

Date Published: [January 19, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 1093

Comment Period Ended: March 5, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445
312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 1413, Recognition of 2001 CSO Preferred Class Structure Mortality Tables for Use in Determining Minimum Reserve Liabilities: The proposed amendment terminates Part 1413's applicability to life insurance policies issued on or after January 1, 2017 to avoid a statutory conflict. 215 ILCS 5/223 was recently amended to establish the NAIC Valuation Manual as the source for actuarial valuation standards regarding legal reserve life insurance. Mortality, interest and methodology standards will be maintained in the Valuation Manual beginning January 1, 2017. Because Part 1413 currently prescribes certain standards for the use of mortality tables, this Part will be amended to cease applicability

to policies issued on or after January 1, 2017 while continuing to provide standards for policies not covered by the Valuation Manual.

Date Published: [January 19, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 1101

Comment Period Ended: March 5, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445

312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 1414, Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values: The proposed amendments terminate Part 1414's applicability to preneed life insurance policies issued on or after January 1, 2017 to avoid a statutory conflict. 215 ILCS 5/223 was recently amended to establish the NAIC Valuation Manual as the source for actuarial valuation standards regarding legal reserve life insurance. Mortality, interest and methodology standards will be maintained in the Valuation Manual beginning January 1, 2017. Because Part 1414 currently prescribes minimum valuation mortality standards for preneed insurance contracts, this Part will be amended to cease applicability to contracts issued on or after January 1, 2017 while continuing to provide standards for contracts not covered by the Valuation Manual.

Date Published: [January 19, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 1104

Comment Period Ended: March 5, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445

312-814-2862 (fax)

217-558-0957

50 Ill. Adm. Code 2006, Required Benefits for Mental, Emotional or Nervous Disorders: Part 2006 was adopted in 1977 to provide a definition of "registered clinical psychologist" (now "licensed clinical psychologist") following the enactment of provisions now codified in Section 370(c)(2) of the Insurance Code. Because it is no longer necessary to provide this definition in the Department's rules, Part 2006 is being repealed.

Date Published: [December 26, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 15172

Comment Period Ended: February 9, 2018

For information please contact:

Joanna Coll
Assistant General Counsel
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

or

Susan Anders
Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

(217) 557-7308
(217) 524-9033 (fax)

(217) 558-0957

50 Ill. Adm. Code 2015, Infertility Coverage: Consistent with Public Act 99-421, Part 2015 will be amended to require that insurers offering accident and health insurance to groups of more than 25 employees provide coverage for infertility treatments to covered individuals unable to attain a viable pregnancy or maintain a viable pregnancy (previously covered just those unable to sustain a successful pregnancy). The amendments will also expand the definition of infertility to include individuals unable to conceive after one year of attempting to produce conception and those unable to conceive after diagnosis with a condition affecting fertility.

Date Published: [December 26, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 15176

Comment Period Ended: February 9, 2018

For information please contact:

Felicia Page, Assistant General Counsel or
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

(217) 524-5433
(217) 524-9033 (fax)

(217) 558-0957

50 Ill. Adm. Code 2403, Producer Felony Review: Repeals Part 2403 (of Title 50). SB1688, now Public Act 100-286, effective January 1, 2018, sets forth mitigating factors to be considered when determining whether someone with a felony conviction should be granted a producer license. See 215 ILCS 5/500-76(b) (eff. 1-1-18). Part 2403, which also sets forth mitigating factors to be considered, is effectively redundant. The factors are similar, and the PA, as a statutory law, preempts Part 2403, the administrative rule.

Date Published: [December 29, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 15480

Comment Period Ends: February 12, 2018

For information please contact:

Fred Moore
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.

Chicago, IL 60603

Springfield, IL 62767

312-814-5398

217-558-0957

312-814-2862 (fax)

50 Ill. Adm. Code 2905, Registration of Workers' Compensation Utilization Review Organizations:

Consistent with Public Act 99-111, Parts 2905 and 4520 will be amended to recognize the Accreditation Association for Ambulatory Health Care (AAAHC) among the list of accreditors from which utilization organizations may receive accreditation and qualify for reduced registration and renewal fees.

Date Published: [December 26, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 15182

Comment Period Ended: February 9, 2018

For information please contact:

Felicia Page, Assistant General Counsel or
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

Susan Anders, Rules Coordinator
Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767-0001

(217) 524-5433

(217) 558-0957

(217) 524-9033 (fax)

50 Ill. Adm. Code 4001, Privacy of Personal Information: Part 4001 duplicates Part 4002, with the exception of effective date information, and is no longer needed. Therefore, it is being repealed.

Date Published: [December 26, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 15189

Comment Period Ended: February 9, 2018

For information please contact:

Anne Marie Skallerup
Deputy General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5410

217-558-0957

312-814-2862 (fax)

50 Ill. Adm. Code 4203, Insurance Data Reporting Requirements: The proposed amendments update data collection procedures dealing with mailing reports to the Department to conform to the current electronic submission methods. The definition of several data elements is also revised to improve the consistency and clarity of the data by various insurers. The amendments also make technical corrections and remove redundancies and superfluous language.

Date Published: [December 29, 2017](#)

Illinois Register Citation: 41 Ill. Reg. 15485

Comment Period Ended: February 12, 2018

For information please contact:

Robert Planthold
Assistant General Counsel
Illinois Department of Insurance
122 S. Michigan Ave, 19th Fl
Chicago, IL 60603

or

Susan Anders
Rules Coordinator
Illinois Department of Insurance
320 W. Washington St.
Springfield, IL 62767

312-814-5445
312-814-2862 (fax)

217-558-0957

SECOND NOTICE:

The Department does not currently have any rules at Second Notice.

RULEMAKINGS ADOPTED DURING 2018:

50 Ill. Adm. Code 2012, Long-Term Care Insurance: The revisions to 50 Ill. Adm. Code 2012 reflect changes that have been made by the National Association of Insurance Commissioners (NAIC) to the Long Term Care Model Regulation and a model bulletin adopted by the NAIC's Senior Issues Task Force. These changes include greater specification of the margin for adverse deviation that company actuaries should consider in initial rates; a new annual rate certification requirement which will help rate stability; additional information that companies should provide in the event of a rate increase request; specific language to allow rate increases less than the full amount that would be required for the actuary to certify that no future rate increases are anticipated under moderately adverse conditions if, in the opinion of the Director, it is in the best interest of policyholders; and some minor changes to the triggers for the contingent non-forfeiture benefit.

The revisions contain no provision allowing for certification language that the requested premium rate schedule does not include adequate margins for moderately adverse conditions. The Department believes that such a certification option would weaken the principle of rate stabilization by lowering the bar for future rate increases in cases where the "certified" increase would be considered excessive by the 58/85 demonstration.

Additionally, the Model Bulletin adopted by the Senior Issues Task Force on August 9, 2013 contains numerous items that were incorporated into this Part, in particular, those related to extending protections to pre-rate-stability policies and provisions to allow large rate increases to be implemented as a series of smaller rate increases.

Some revisions are intended to improve the current regulation as well as to clarify that the future projected incurred claims used in the loss ratio compliance demonstration should be calculated on a best-estimate basis.

Finally, certain definitions were deleted that duplicate definitions already provided in the article of the Illinois Insurance Code pertaining to long-term care insurance (215 ILCS 5/Art. XIXA).

Effective Date: February 27, 2018

Date Published: [March 16, 2018](#)

Illinois Register Citation: 42 Ill. Reg. 4867

For information please contact:

Eric Anderson

Actuary II

Department of Insurance

320 West Washington Street, 4th Floor

Springfield IL 62767-0001

217/782-6284