

§2208. Content of disclosure authorization forms

Notwithstanding any other provision of law, a regulated insurance entity or insurance support organization may not use a disclosure authorization form unless the form or statement: [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

1. Signed. Is signed by the insurance consumer except that:

A. A consumer's spouse, family member or other authorized individual may sign the disclosure authorization form if:

(1) The individual is acting under a valid written power of attorney or acting pursuant to the Uniform Health Care Decisions Act; or

(2) The individual is the consumer's parent or legal guardian, in which case the authorization is valid only insofar as that parent or legal guardian has the exclusive authority to consent for the health care services received by a minor for which the authorization for payment is sought and only as to those disclosures when the holder of the information can reasonably infer that the parent's or legal guardian's interest in disclosure is not adverse to the consumer's; or [PL 2017, c. 402, Pt. C, §75 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

B. A consumer may authorize disclosure in electronic or telephonic form if a unique identifier of the insurance consumer is provided and the insurance consumer authenticates the electronic or telephonic authorization; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]
[PL 2017, c. 402, Pt. C, §75 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

2. Plain language. Is written in plain language;
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

3. Dated. Is dated;
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

4. Persons authorized to disclose. Specifies the types of persons authorized to disclose information about the consumer;
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

5. Nature of information. Specifies the nature of the information authorized to be disclosed;
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

6. Name of regulated insurance entity. Names the regulated insurance entity and identifies by generic reference representatives of the carrier to whom the consumer is authorizing information to be disclosed;
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

7. Purpose. Specifies the purposes for which the information is collected;
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

8. Time period of authorization. Specifies the period of time the authorization remains valid. The period of time may be no longer than:

A. In the case of life, disability or long-term care insurance:

(1) Thirty months from the date the authorization is signed if the authorization is signed for the purpose of collecting information in connection with an application for an insurance policy, a policy reinstatement or a request for change in policy benefits; or

(2) The duration of the claim if the authorization is signed for the purpose of collecting information in connection with a claim for benefits under an insurance policy; or [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

B. In the case of health or medical insurance, the term of coverage of the policy and any renewals of that policy; [PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

9. Right to copy. Advises the consumer or a person authorized to act on behalf of the consumer that the consumer or the consumer's authorized representative is entitled to receive a copy of the authorization form;
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

10. Revocation. Advises the consumer how to revoke the authorization and that the revocation may be a basis for denying insurance benefits; and
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

11. Failure to sign. Advises the consumer that failure to sign an authorization form may impair the ability of a regulated insurance entity to evaluate or process an application or claim and may be a basis for denying an application or claims for benefits.
[PL 1997, c. 677, §3 (NEW); PL 1997, c. 677, §5 (AFF).]

SECTION HISTORY

PL 1997, c. 677, §3 (NEW). PL 1997, c. 677, §5 (AFF). PL 2017, c. 402, Pt. C, §75 (AMD).
PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 417, Pt. B, §14 (AFF).

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