



ADMINISTRATIVE RULES OF MONTANA



6.6.8501 DEFINITIONS

In addition to the definitions in 33-20-1302 , MCA, the following definitions apply to this subchapter:

- (1) "Advertising" means any written, electronic or printed communication or any communication by means of recorded telephone messages or transmitted on radio, television, the internet or similar communications media, disseminated, circulated or placed before the public, directly or indirectly, for the purpose of creating an interest in or inducing a person to purchase or sell a life insurance policy or an interest in a life insurance policy pursuant to a viatical settlements contract or a viatical settlement purchase agreement.
- (2) "Attending physician" means the insured's physician, as defined in 33-20-1312 (3) , MCA.
- (3) "Chronically ill" means:
 - (a) being unable to perform at least two activities of daily living (i.e., eating, toileting, transferring, bathing, dressing or continence) ;
 - (b) requiring substantial supervision to protect the individual from threats to health and safety due to severe cognitive impairment; or
 - (c) having a level of disability similar to that described in (3) (a) as determined by the secretary of health and human services as of the date the viatical settlement contract was signed.
- (4) "Insured" means the person covered under the policy being considered for viatication.
- (5) "Life expectancy" means the mean of the number of months the individual insured under the life insurance policy to be viaticated can reasonably be expected to live based on accepted actuarial and medical criteria experience.
- (6) "Net death benefit" means the amount of the life insurance policy or certificate to be viaticated less any outstanding debts or lien then owing to the insurer providing coverage under the subject life insurance policy.
- (7) "Patient identifying information" means:
 - (a) an insured's address, telephone number, facsimile number, electronic mail address;
 - (b) an insured's photograph or likeness;
 - (c) an insured's employer, employment status, social security number, unless the social security number is used by the insurer as a means of identifying the subject policy; or
 - (d) any other information that is likely to lead to the identification of the insured.

- (8) "Terminally ill" means having an illness that the attending physician reasonably expects to result in death in 24 months or less.

Authorizing statute(s): 33-1-313, 33-20-1315, MCA

Implementing statute(s): 33-20-1302, MCA

History: NEW, 2000 MAR p. 3155, Eff. 11/10/00; AMD, 2005 MAR p. 71, Eff. 1/14/05; AMD, 2005 MAR p. 2650, Eff. 12/23/05.