



ADMINISTRATIVE RULES OF MONTANA



6.6.8511 PROHIBITED PRACTICES

- (1) A viatical settlement provider or viatical settlement broker shall not provide patient identifying information to any person, unless the insured provides written consent to the release of the information at or before the time the viator enters into a viatical settlement contract pursuant to ARM 6.6.8505(3) .
- (2) A viatical settlement provider or viatical settlement broker shall obtain from a person that is provided with patient identifying information a signed affirmation that the person or entity will not further divulge the information without procuring the express, written consent of the insured for the disclosure. Notwithstanding the foregoing, if a viatical settlement provider or viatical settlement broker is served with a subpoena and, therefore, is compelled to produce records containing patient identifying information, it shall notify the viator and the insured in writing at the insured's last known address within five business days after receiving notice of the subpoena.
- (3) A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.
- (4) A viatical settlement broker shall not, without the written agreement of the viator obtained prior to performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.
- (5) A viatical settlement provider shall not use a longer life expectancy than is realistic in order to reduce the payout to which the viator is entitled.

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

Implementing statute(s): 33-20-1313, MCA

History: NEW, 2005 MAR p. 71, Eff. 1/14/05.