

*State of Idaho*  
**DEPARTMENT OF INSURANCE**

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WILLIAM W. DEAL  
Director

**BULLETIN NO. 10-02**

**DATE:** March 22, 2010  
**TO:** Disability/Health Insurance Carriers  
**FROM:** William W. Deal, Director  
**SUBJECT:** Filing of Group Contracts with Negotiated Terms

It appears there is some confusion among insurers regarding the requirement of filing group disability contracts and certificates in the state of Idaho when the contract contains negotiated terms. The purpose of this memorandum is to clarify how these types of contracts should be handled.

Idaho Code Section 41-1812 states that, "No basic insurance policy or annuity contract form, or application form where written application is required and is to be made a part of the policy or certificate, or printed rider or endorsement form or form of renewal certificate, shall be delivered, or issued for delivery in this state, unless the form has been filed with the director." Therefore, all group contracts or certificates must be filed with the Idaho Department of Insurance as required by Code, regardless of group size.

The Department allows variable options to be filed in group contracts. These variables may include benefit amounts, cost sharing amounts and/or negotiated language between the group policyholder and the insurance company. These variables need to be filed with the contract form, either within brackets in the contract or by attaching a list of all the variables that will be offered. No mandated requirements can be variable.

The use of a health plan that has not been filed with the Department and is not in compliance with Idaho law may result in the imposition of administrative sanctions against the insurer.

Please contact the Department's Rates and Forms Section at 208-334-4250 if you have questions or concerns regarding these requirements.