

Viatical Broker Disclosure Compliance Checklist

Please indicate where in the disclosure each State code citation is referenced.

The location should be indicated as such - Page 4, Article IV, B (1).

Highlight each location within the disclosure.

IDOI USE Comments: Reviewed:

Broker: _____

Contact: _____

Email/Phone _____

Disclosure Reference Location
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Department Use

IC 27-8-19.8-23(b)

A viatical settlement provider or viatical settlement broker shall, in a separate document that is signed by the viator and the viatical settlement provider or viatical settlement broker, disclose the following information to the viator not later than the date of application:

- (1) Possible alternatives to viatical settlement contracts, including accelerated benefits offered by the insurer of the life insurance policy.
- (2) Tax consequences that may result from entering into a viatical settlement contract, and that the viator should seek assistance from a professional tax advisor.
- (3) Possible adverse effect on eligibility for or interruption of assistance provided by medical or public assistance programs as a consequence of entering into a viatical settlement contract, and that the viator should seek advice from the appropriate government agencies.
- (4) The viator's right to rescind a viatical settlement contract within rescission period. (the period ending not more than fifteen (15) days after the receipt of the viatical settlement proceeds by the viator or the period ending not more than thirty (30) days after execution of the contract.
- (5) The amount of any fees paid by a viatical provider to a broker.
- (6) A statement that proceeds of the viatical settlement could be subject to claims of creditors.
- (7) A statement that a contract may cause other rights or benefits under the policy, including conversion rights, waiver of premium benefits, family riders, or coverage of a life other than an ill individual, to be forfeited by the viator.
- (8) Procedures for method of contact with the insured.
- (9) That the proceeds of the viatical settlement will be transferred to the viator within two (2) business days after the viatical settlement provider's receipt.
- (10) A statement containing the following language:
 "All medical, financial, or personal information solicited or obtained by a viatical settlement provider or viatical settlement broker about an insured, including the insured's identity or the identity of family members, a spouse, or a significant other may be disclosed as necessary to effect the viatical settlement between the viator and the viatical settlement provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years."

Disclosure Reference Location	Department Use	
		IC 27-8-19.8-23(b) & 760 IAC 1-61-7(4) <i>The insured may be contacted by the viatical settlement provider or viatical settlement broker to determine the health status of the insured one (1) time every three (3) months for an insured with a life expectancy of more than one (1) year or one (1) time every month for an insured with a life expectancy of not more than one (1) year. Contacts made with an insured must be made by mail unless the parties agree to another method of contact.</i>
		IC 27-8-19.8-23(d) <i>A viatical settlement Broker shall disclose to the viator, conspicuously displayed in the viatical settlement contract or in a separate document signed by the viatical settlement Broker and the viator before a viatical settlement contract is signed, the amount and method of calculation of the viatical settlement broker's compensation.</i>
		760 IAC 1-61-7(3) <i>The following requirements apply to each disclosure form that will be used in connection with a viatical settlement contract that is negotiated or executed in Indiana. The disclosure shall specifically address at least the following rights and benefits if available under the insurance policy.</i>
		(a) Guaranteed insurability options (b) Accidental death or accidental death and dismemberment benefits (c) Disability income or loss of income protection (d) Conversion rights (e) Waiver of premium benefits (f) Family, spousal, or children's riders or benefits, and any other comparable coverage for a life other than the insured's
		760 IAC 1-61-7 (5) <i>The disclosure form shall contain the following or substantially similar language "All medical, financial, and personal information solicited or obtained by a viatical settlement agent, broker, or provider about a viator and an insured, including the identity of the viator and insured and the identity of their family members or significant other, is confidential. The information shall not be disclosed to any person unless disclosure is:</i>
		(A) Necessary and the viator and insured have provided written consent to the disclosure (B) Provided in response to an investigation or examination by the commissioner or other governmental officer or agency (C) In connection with a transfer of the contract or policy to another licensed provider or entity that provides financing to the contract under a written agreement with the provider.
		760 IAC 1-61-7 (6) <i>The disclosure form shall contain the following or substantially similar language: "Your insurance policy provides financial protection to your beneficiaries. If you sell your policy to a viatical settlement provider, your beneficiaries will no longer have that protection. Before you sell your policy, you should consider whether that protection is needed. Other financial options may be available to you. Consult your financial advisor or insurance company for more information."</i>