

Broker Document Review Checklist

Broker Name: _____ **Telephone Number:** _____
Contact Name: _____ **Contact Email:** _____
Document to be reviewed: _____
Document number: _____

***Please indicate location in document where citation can be found, if none, indicate N/A here.** _____

IDOI USE ONLY		
Review:		
Original document(s)	Yes	No
Red-lined copy(s)	Yes	No
New copy(s)	Yes	No
Does form meet regulation guidelines?	Yes	No
Are there any items in question?	Yes	No
Comments:		
Approved:		
Admission Coordinator	Date	

① IC 27-8-19.8-23 (b) Information to insured

A viatical settlement provider or viatical settlement broker shall 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 issuer of the life insurance policy.
- _____ (2) Tax consequences that may result from entering into a viatical settlement contract.
- _____ (3) Possible interruption of assistance provided by medical or public assistance programs as a consequence of entering into a viatical settlement contract.
- _____ (4) The viator's right to rescind a viatical settlement contract within rescission period
- _____ (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. (ex US Mail)
- _____ (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."
- _____ (11) That the insured may be contacted by the viatical settlement provider or viatical settlement broker to determine the health status of the insured one time every three months for an insured with a life expectancy of more than one year or one time every month for an insured with a life expectancy of not more than one year. Contacts made with an insured must be made by mail unless the parties agree to another method of contact.

②. IC 27-8-19.8-23 (d) Broker

_____ 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.

③. 760 IAC 1-61-3(b) Broker

_____ A viatical settlement broker is deemed to represent only the viator's interests and shall owe a fiduciary duty to the viator to act according to the viator's instructions and in the viator's best interests.

④. 760 IAC 1-61-3 (c) Broker

_____ A viatical settlement broker may not seek or obtain any compensation from the viator without the written agreement of the viator obtained before the broker performs any services in connection with the viatical settlement transaction.

⑤. 760 IAC 1-61-7 (3) Disclosure forms (Rights & Benefits)

_____ The disclosure shall specifically address at least the following rights and benefits if available under the insurance policy.

- 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.

⑥. 760 IAC 1-61-7 (4) Disclosure forms (Health status)

_____ The disclosure form shall set forth the procedures for contact with the insured in compliance with IC 27-8-19.8-24.9. The disclosure form shall contain a statement that contacts for the purposes of determining the health status of the insured must be made by mail unless the parties agree to another method. If the insured agrees to contact by a method other than mail, the alternative method or methods of contact must be included in the contract.

⑦. 760 IAC 1-61-7 (5) Disclosure forms (Personal information)

_____ 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:

- (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."

⑧. 760 IAC 1-61-7 (6) Disclosure forms (Financial protection)

_____ 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.

⑨. 760 IAC I-61-10 (f) Advertising

- _____
- (1) Advertising related to the viatical settlement shall be truthful and not misleading by fact or implication.
 - (2) If the advertiser emphasizes the speed with which the viatication will occur, the advertising must disclose the average time frame from completed application to the date of offer and from acceptance of the offer to receipt of the funds by the viator.
 - (3) If the advertising emphasizes the dollar amounts available to viators, the advertising shall disclose the average purchase price as a percent of face value obtained by viators contracting with the advertiser during the previous six (6) months.