

## **Title 210 - NEBRASKA DEPARTMENT OF INSURANCE**

### **Chapter 28 - UNFAIR SEX DISCRIMINATION**

**001. Purpose.** The purpose of this regulation is to eliminate the act of denying benefits or coverage on the basis of sex or marital status in the terms and conditions of life, sickness and accident insurance contracts and in the underwriting criteria of such insurance carriers.

**002. Authority.** This regulation is issued pursuant to Neb.Rev.Stat. §44-101.01, §44-1527, and §44-1533.

#### **003. Definitions.**

003.01 Contracts - Any life, sickness and accident insurance policy or plan including any rider or endorsement thereto offered by an insurer.

003.02 Insurer. Any insurance company, association, reciprocal or inter insurance exchange, non-profit hospital plan, non-profit professional health service plan, health maintenance organization, fraternal benefit society or beneficial association writing life or sickness and accident insurance.

**004. Applicability and scope.** This regulation shall apply to all individual, group, franchise or blanket life, sickness and accident insurance contracts delivered or issued for delivery in this state by an insurer on or after October 1, 1977, to all existing group or blanket life, sickness and accident insurance contracts which are amended or renewed on or after October 1, 1977, and to all policy forms submitted for approval on or after October 1, 1977, provided however that in the case of contracts issued pursuant to all collective bargaining agreements this regulation shall apply on the first date after October 1, 1977 upon which any new bargaining agreement first becomes effective.

This regulation does not apply to or affect the right of fraternal benefit societies to determine eligibility requirements for membership. If a fraternal benefit society does, however, admit members of both sexes, this regulation is applicable to the insurance benefits or coverage available to members thereof.

**005. Rates.** When rates are differentiated on the basis of sex, or marital status, the insurer, upon request, must justify in writing to the satisfaction of the Director such rate differential. All rates shall be based on sound actuarial principles, valid classification systems and must be related to actual experience statistics.

**006. Availability requirements.** Availability of any life, sickness or accident insurance contract shall not be denied to an insured or prospective insured on the basis of the sex or marital status of the insured. The amount of benefits payable, or any term, conditions or type of coverage shall not be restricted, modified, excluded, or reduced on the basis of the sex or marital status of the insured or prospective insured except to the extent the amount of benefits, term, conditions or type of coverage vary as a result of the application of rate differentials permitted under the Nebraska Insurance Code. However, nothing in this regulation shall prohibit an insurer from taking marital status into account for the purpose of defining persons eligible for dependents benefits. Specific examples of practices prohibited by this regulation include but are not limited to the following:

006.01 Denying coverage to females gainfully employed at home, employed part-time or employed by relatives when coverage is offered to males similarly employed.

006.02 Denying policy riders to females when the riders are available to males.

006.03 Denying, under group contracts, dependent coverage to husbands of female employees, when dependent coverage is available to wives of male employees.

006.04 Denying disability income contracts to employed women when coverage is offered to men similarly employed.

006.05 Restricting, reducing, modifying or excluding benefits relating to coverage involving the genital organs of only one sex.

006.06 Offering lower maximum monthly benefits to women than to men who are in the same classification under a disability income contract.

006.07 Offering more restrictive benefit periods and more restrictive definitions of disability to women than to men in the same classifications under a disability income contract.

006.08 Establishing different conditions by sex under which the policyholder may exercise benefit options contained in the contract.

006.09 Limiting the amount of coverage an insured or prospective insured may purchase based upon the insured's or prospective insured's sex.