

No. 09-0335

**OFFICIAL ORDER
of the
COMMISSIONER OF INSURANCE
of the
STATE OF TEXAS**

Date: MAY 08 2009

**Limited Waiver of Insurance Code §1701.051
Related to MIB, Inc.**

Subject Considered:

Waiver of the Form Filing Requirements of the Insurance Code §1701.051 for a Previously Approved or Exempted Life, Accident or Health Insurance Form in Which the Only Alteration Is Related to the Medical Information Bureau Name Change, Including Address Changes, for Five Years.

General remarks and official action:

On this day came on for consideration by the Commissioner of Insurance (Commissioner), the matter of the waiver of the form filing requirements of the Insurance Code §1701.051 for previously approved or exempted life, accident or health insurance forms in which the only amendment is the revision of the name of the Medical Information Bureau to the MIB, Inc., (MIB) an address change for MIB, or the addition of MIB's internet address.

MIB is an information clearinghouse and fraud protection company that receives and provides information on insureds and prospective insureds to subscribing member companies. MIB's service is designed to decrease attempts to conceal or omit information material to the underwriting of life, health, disability income, critical illness and long-term care insurance. Insurance applications, policies and contracts commonly contain a clause authorizing a release of information to MIB and specify the address of MIB so that consumers may receive a report of the information MIB has on file for them.

On June 23, 2008, MIB issued a memorandum (MIB Memorandum) instructing its subscribing members to make certain specified changes relating to MIB in the members' applications and forms. The memorandum instructs subscribing

members to update their applications and forms to reflect the changes specified in the memorandum no later than June 30, 2009. The MIB Memorandum directs its members to update applications and forms to:

--reflect MIB's new address, 50 Braintree Hill, Suite 400, Braintree, MA 02184-8734;

--use the name "MIB, Inc., formerly known as Medical Information Bureau"; and

--state that information for consumers about MIB may be found on its website at www.mib.com.

Pursuant to the Insurance Code §1701.002, the following forms are subject to the Order: policies, contracts or certificates of accident or health insurance, including group accident or health insurance; medical or surgical insurance, including group medical or surgical insurance; life or term insurance, including group life or term insurance; endowment insurance; industrial life insurance; fraternal benefit insurance; an annuity or pure endowment contract, including a group annuity contract; an application attached or required to be attached to the policy, contract, or certificate; or a rider or endorsement to be attached to, printed on, or used in connection with the policy, contract, or certificate.

Pursuant to the Insurance Code §1701.003, the following insurers are subject to this Order: a life, accident, health, or casualty insurance company; a mutual life insurance company; a mutual insurance company other than a mutual life insurance company; a mutual or natural premium life insurance company; a general casualty company; a Lloyd's plan; a reciprocal or interinsurance exchange; a fraternal benefit society; and a group hospital service corporation.

The Insurance Code §1701.051 specifies that except as provided by §1701.005 relating to Exemptions, an insurer may not use a document in this state unless the form of the document is filed with the Texas Department of Insurance in accordance with the Insurance Code Chapter 1701.

Pursuant to the Insurance Code §1701.005(b), the Commissioner has authority to waive the filing requirements of the Insurance Code Chapter 1701. Section 1701.005(b) specifies that the Commissioner may by written order exempt a document from the requirements of Chapter 1701 for the period the Commissioner considers proper if the Commissioner determines that Chapter 1701 may not be practically applied to the document; the document's preparation, use, and meaning have become routine or commonplace; or the filing and approval of the form of the document are not desirable, appropriate, required, or necessary for the protection of the public.

Pursuant to the Insurance Code §1701.005(b), the Commissioner has determined that the proper duration of the limited waiver to be five years from the date of this Order. Furthermore, pursuant to the Insurance Code §1701.005(b), the Commissioner has determined that it is not required or necessary for the protection of the public for insurers subject to the filing requirements of the Insurance Code §1701.051 to re-file forms for approval that have been previously approved or exempted and that are amended only to reflect any of the changes specified in the MIB Memorandum.

Nothing in this Order shall waive any filing requirements for any life, accident or health insurance forms that have not yet been approved. Furthermore, nothing in this Order shall waive any filing requirements for forms that have been approved or exempted but are subsequently amended by any change other than or in addition to a change specified in this Order.

IT IS THEREFORE THE ORDER of the Commissioner that, effective immediately, the filing requirements of the Insurance Code §1701.051 be waived for previously approved life or health insurance forms or exempted forms that are amended only by the changes specified in the June 23, 2008 MIB Memorandum, relating to the revision of the name of the Medical Information Bureau to the MIB, Inc., an address change for MIB, Inc., or the addition of the MIB, Inc.'s internet address for five years from the date of this order.

AND IT IS SO ORDERED.


MIKE GEESLIN
COMMISSIONER OF INSURANCE