

## INSURANCE DIVISION[191]

### Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 507B.12, the Insurance Division hereby amends Chapter 15, “Unfair Trade Practices,” Iowa Administrative Code.

The rules in Chapter 15 establish certain minimum standards and guidelines of conduct by identifying unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, as prohibited by Iowa Code chapter 507B. The amendment provides that an action by an insurer not in compliance with the Genetic Information Nondiscrimination Act of 2008 (P.L. 110-233, 122 Stat. 881) is an unfair trade practice under Chapter 15. Insurers must comply with the amendment on and after May 22, 2009.

In compliance with Iowa Code section 17A.4(3), the Division finds that notice and public participation are unnecessary because the amendment merely makes violation of a particular federal law a violation of state law as well. Insurers have had sufficient notice with the requirements of this law because the federal law went into effect in May 2008, and compliance with the federal law is required on and after May 22, 2009. Because health insurance is under the jurisdiction of both federal and state law, this amendment ensures consistent regulation.

The Division also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendment, 35 days after publication, should be waived and this amendment should be made effective on May 22, 2009, because those entities to which the federal law applies must comply beginning May 22, 2009. This amendment ensures consistent regulation.

This amendment is also published herein as **ARC 7797B** to allow for public comment.

The Insurance Division adopted this amendment on May 1, 2009.

This amendment became effective on May 22, 2009.

This amendment is intended to implement Iowa Code chapter 507B.

The following amendment is adopted.

Adopt the following new subrule 15.11(5):

**15.11(5) Genetic information.** Any action by an insurer that is not in compliance with Title I of the Genetic Information Nondiscrimination Act of 2008 (Public Law 110-233, 122 Stat. 881) shall be considered an unfair trade practice and shall be subject to the penalties of Iowa Code chapter 507B and of these rules.

[Filed Emergency 5/1/09, effective 5/22/09]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 5/20/09.