

Nebraska Department of Insurance
Guidance Document
IGD - - B3

Title: Allowable Electronic Materials for Individual and Group Major Medical

Issue Date: October 20, 2022

Previously: Issued as a Notice on April 14, 2016

Notice: This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

State and federal laws require that group health plans and health insurance issuers provide insureds and beneficiaries with certain documents when an event occurs or upon individual request.¹ For some material, federal law expressly allows electronic delivery.

To the extent there is no state or federal law or rule that addresses electronic delivery of documents, the Nebraska Department of Insurance (NDOI) will allow insurers to provide material to insureds and beneficiaries electronically, including policies, certificates of coverage, evidence of coverage, renewal information, explanations of benefits, billing invoices, summaries of benefits and coverage, coordination of benefits forms, and claim or appeal related materials, only if the following conditions are met:

- Insurers can provide their individual and group insurance policies, including certificates of coverage, online, so long as every welcome letter provides instructions, with website address, to view the policy online and offers a paper copy of the policy free of charge. For all other documents, the insurer's default must be to provide materials in paper format, with an option for individuals to opt into electronic delivery;
- The insurer's offer and explanation of the electronic delivery option must: (1) list the types of documents that will be provided electronically, (2) notify the individual that any of these documents are available free of charge in paper form upon request, and (3) provide the procedure for withdrawing consent and updating contact information;
- The insured or beneficiary must designate an email address for receipt of insurance materials or links to materials, and the insurer must use a notice of undelivered email feature to confirm receipt. For any emails returned undeliverable, the insurer must take reasonable additional steps to ensure the intended recipient receives the documents;
- Insurers must provide materials in a readily accessible format (html, MS Word, or PDF) that can be retained and printed; and

¹ See 29 CFR 2520.104B-1, 26 CFR 54.9815-2715, 29 CFR 2590.715-2715, and 45 CFR 147.200. Additional federal FAQs, rules and regulations implementing the Affordable Care Act apply

- The insurer must use reasonable privacy safeguards appropriate for the detail of personal or health information disclosed in the materials.

Questions concerning this notice may be sent to the Life and Health Division at 402-471-2201.