**Section 2010.30 Definitions**

a) Advertisement

1) "Advertisement" shall include:

A) printed and published material, audio visual material and descriptive literature used by or on behalf of an insurer in direct mail, newspapers, magazines, radio scripts, television scripts, billboards and similar displays;

B) descriptive literature and sales aids of all kinds issued by an insurer or an insurance producer as that term is defined in Section 491.1 of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 1065.38-1), for presentation to members of the insurance-buying public; including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, form letters and lead generating devices of all kinds as herein defined; and

C) prepared sales talks, presentations and material for use by the insurer or the producer; and

D) advertising material included with a policy when the policy is delivered and material used in the solicitation of renewals and reinstatements.

2) The definition of "advertisement" does not include:

A) material to be used solely for the training and education of an insurer's employees or producers;

B) material used in-house by insurers;

C) communications within an insurer's own organization not intended for dissemination to the public;

D) individual communications of a personal nature with current policyholders other than material urging such policyholders to increase or expand coverages;

E) correspondence between a prospective group or blanket policyholder and an insurer in the course of negotiating a group or blanket contract;

F) court approved material ordered by a court to be disseminated to policyholders; or

G) a general announcement from a group or blanket policyholder to eligible individuals on an employment or membership list that a contract or program has been written or arranged; provided the announcement must clearly indicate that it is preliminary to the issuance of a booklet.

b) *"Medicare Supplement Insurance" means a group or individual policy of accident and health insurance as defined in paragraph (a) of subsection (2) of Section 355a of this Code or a subscriber contract delivered or issued for delivery in this State by an insurer, fraternal benefit society, nonprofit health, hospital or medical service corporation, prepaid health plan, or any similar organization which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare by reason of age (Section 363(2)(c) of the Code).*

*c) "Certificate" means any certificate issued under a group Medicare supplement policy, which certificate has been delivered or issued for delivery in this State (Section 363(2)(b) of the Code).*

d) "Insurer" means any insurance company, nonprofit health, hospital or medical service plan corporation, prepaid health plan or any other legal entity which has or is proposing to deliver or issue for delivery in this State Medicare supplement insurance and is engaged in the advertisement of itself, or Medicare supplement insurance.

e) "Exception" means any provision in a policy whereby coverage for a specified hazard is entirely eliminated; it is a statement of a risk not assumed under the policy.

f) "Reduction" means any provision which reduces the amount of the benefit; a risk of loss is assumed but payment upon the occurrence of such loss is limited to some amount or period less than would be otherwise payable had such reduction not been used.

g) "Limitation" means any provision which restricts coverage under the policy other than an exception or a reduction.

h) "Institutional Advertisement" means an advertisement having as its sole purpose the promotion of the reader's, viewer's or listener's interest in the concept of Medicare supplement insurance, or the promotion of the insurer as a seller of Medicare supplement insurance.

i) "Invitation to Inquire" means an advertisement having as its objective the creation of a desire to inquire further about Medicare supplement insurance which is limited to a brief description of coverage, and which shall contain a provision in the following or substantially similar form:

"This policy has [exclusions] [limitations] [reductions of benefits] [terms under which the policy may be continued in force or discontinued]. For costs and complete details of the coverage, call [or write] your insurance agent or the company [whichever is applicable]."

j) "Invitation to Contract" means an advertisement which is neither an institutional advertisement nor an invitation to inquire.

k) "Person" means any natural person, association, organization, partnership, trust, group, discretionary group, corporation or any other entity.

l) *"Medicare" means the "Health Insurance for the Aged Act," Title XVIII of The Social Security Amendments of 1965, as now or later amended, including the "Medicare Catastrophic Coverage Act of 1988"* (P.L. 100-360) (Section 363(2)(d) of the Code).

m) "Lead-Generating Device" shall mean any communication directed to the public which, regardless of form, content or stated purpose, is intended to result in the compilation or qualification of a list containing names and other personal information to be used to solicit residents of this State for the purchase of Medicare supplement insurance.

n) "Code" means the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 613, et seq.)