
Rules of
Department of Insurance,
Financial Institutions and
Professional Registration
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement
Practices

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**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims
Settlement Practices**

20 CSR 100-1.010 Definitions

PURPOSE: This rule sets forth definitions used in the rules in this division to aid in the interpretation of various terms and phrases.

(1) As used in the Unfair Claims Settlement Practices Act at sections 375.1000 to 375.1018, RSMo and in the regulations promulgated pursuant thereto—

(A) “Insurance producer” or “producer,” any individual, corporation, association, partnership, or other legal entity authorized to represent an insurer with respect to a claim;

(B) “Claim,”—

1. A request or demand for payment of a loss which may be included within the terms of coverage of an insurance policy; or

2. A request or demand for any other payment under the policy, such as for the return of unearned premium or nonforfeiture benefits;

(C) “Claimant,” any—

1. First-party claimant, including a subscriber under any plan providing health services;

2. Third-party claimant; or

3. Person or entity submitting a claim on behalf of any insured and includes the claimant’s designated legal representative and a member of the claimant’s immediate family designated by the claimant;

(D) “First-party claimant,” any individual, corporation, association, partnership, or other legal entity asserting a right to payment arising out of the occurrence of a contingency or loss covered by an insurance policy;

(E) “Insurer,” has the same meaning as in section 375.1002(2), RSMo;

(F) “Investigation,” all activities of an insurer directly or indirectly related to the determination of liabilities under coverages afforded by an insurance policy;

(G) “Notification of claim,” any notification, whether in writing or by other means acceptable under the terms of an insurance policy to an insurer or its insurance producer, by a claimant, which reasonably apprises the insurer of the facts pertinent to a claim;

(H) “Third-party claimant,” any individual, corporation, association, partnership or other legal entity asserting a claim against any individual, corporation, association,

partnership, or other legal entity insured under an insurance policy;

(I) “Insurance policy,” any insurance contract, certificate of insurance or contract under which health services are to be provided; and

(J) “Time error rate,” refers to any one (1) of the following:

1. Acknowledgment time error rate, the percentage of claims in which the insurer has performed an act described in section 375.1007(2), RSMo, or violated 20 CSR 100-1.030;

2. Investigation time error rate, the percentage of claims in which the insurer has performed an act described in section 375.1007(3), RSMo, or violated 20 CSR 100-1.030; or

3. Determination time error rate, the percentage of claims in which the insurer has performed an act described in section 375.1007(7), RSMo, or violated 20 CSR 100-1.050.

AUTHORITY: sections 374.045 and 375.1000–375.1018, RSMo 2016. This rule was previously filed as 4 CSR 190-10.060(1). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Rescinded and readopted: Filed Aug. 16, 1978, effective Dec. 11, 1978. Amended: Filed Sept. 11, 1980, effective Feb. 16, 1981. Amended: Filed Sept. 14, 1981, effective Jan. 15, 1982. Amended: Filed Aug. 4, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 5, 1987, effective June 1, 1987. Amended: Filed Aug. 4, 1987, effective Dec. 24, 1987. Amended: Filed Dec. 9, 1988, effective April 28, 1989. Amended: Filed Nov. 2, 1989, effective Feb. 15, 1990. Emergency amendment filed Feb. 21, 1990, effective March 5, 1990, expired June 2, 1990. Amended: Filed Feb. 26, 1990, effective June 11, 1990. Amended: Filed Dec. 12, 1990, effective June 10, 1991. Amended: Filed Oct. 1, 1996, effective June 30, 1997. Amended: Filed Dec. 1, 1998, effective July 30, 1999. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Amended: Filed Nov. 1, 2007, effective July 30, 2008. Amended: Filed Dec. 13, 2018, effective July 30, 2019.*

**Original authority: 374.045, RSMo 1967, amended 1993, 1995, 2008 and 375.1000–375.1018, see RSMo 2016.*

20 CSR 100-1.020 Misrepresentation of Policy Provisions in Claims Settlement

PURPOSE: This rule effectuates or aids in the interpretation of section 375.1007(1), RSMo.

(1) An insurer who engaged in one or more of the following acts or practices shall be deemed to be engaged in “misrepresenting policy provisions” as used in section 375.1007(1), RSMo. This rule is not intended to be all inclusive and acts or practices not enumerated in this rule may also be deemed misrepresentation.

(A) No insurer shall fail to fully disclose to first-party claimants all pertinent benefits, coverages or other provisions of an insurance policy under which a claim is presented.

(B) No insurance producer shall conceal from any first-party claimant the benefits, coverages or other provisions of any insurance policy when these benefits, coverages or other provisions are pertinent to a claim.

(C) No insurer shall deny any claim for failure to exhibit the property without proof of demand and unfounded refusal by a claimant to do so.

(D) No insurer shall deny any claim based upon the insured’s failure to submit a written notice of loss within a specified time following any loss, unless this failure operates to prejudice the rights of the insurer.

(E) No insurer shall request a first-party claimant to sign a release that extends beyond the subject matter that gave rise to the claim payment.

(F) No insurer shall issue any draft in partial settlement of a claim under a specific coverage, when endorsement of the draft would totally release the insurer or its insured from liability.

AUTHORITY: section 374.045, RSMo 2000 and sections 375.1000–375.1018, RSMo 2000 and RSMo Supp. 2007. This rule was previously filed as 4 CSR 190-10.060(3). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Rescinded and readopted: Filed Aug. 16, 1978, effective Dec. 11, 1978. Amended: Filed Sept. 11, 1980, effective Feb. 16, 1981. Amended: Filed Sept. 14, 1981, effective Jan. 15, 1982. Amended: Filed Aug. 4, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 5, 1987, effective June 1, 1987. Amended: Filed Aug. 4, 1987, effective Dec. 24, 1987. Amended: Filed Dec. 9, 1988, effective April 28, 1989. Amended: Filed Nov. 2, 1989, effective Feb. 15, 1990. Emergency amendment filed Feb. 21, 1990, effective March 5, 1990, expired June 2, 1990. Amended: Filed Feb. 26, 1990, effective June 11, 1990. Amended: Filed Dec. 12, 1990, effective June 10, 1991. Amended: Filed Oct. 1, 1996, effective June 30, 1997. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Amended: Filed Nov. 1, 2007, effective July 30, 2008.*

**Original authority: 374.045, RSMo 1967, amended*



1993, 1995 and 375.1000–375.1018, see RSMo 2000 and RSMo Supp. 2007.

20 CSR 100-1.030 Failure to Acknowledge Pertinent Communication

PURPOSE: This rule effectuates or aids in the interpretation of section 375.1007(2), RSMo.

(1) Every insurer, upon receiving notification of claim from any first-party claimant within ten (10) working days, shall acknowledge the receipt of the notification unless payment is made within the period of time. If an acknowledgment is made by means other than writing, an appropriate notation of this acknowledgment shall be made in the claim file of the insurer and dated. Notification given to an agent of an insurer shall be notification to the insurer.

(2) An appropriate reply shall be made within ten (10) working days on all communications from any claimant which reasonably suggests that a response is expected.

(3) Every insurer, upon receiving notification of claim, promptly shall provide necessary claim forms, instructions and reasonable assistance so that first-party claimants can comply with the policy conditions and the insurer's reasonable requirements. Compliance with this section within ten (10) working days of notification of a claim shall constitute compliance with section (1) of this rule.

AUTHORITY: sections 374.045, RSMo Supp. 1996 and 375.1000–375.1018, RSMo 1994.* This rule was previously filed as 4 CSR 190-10.060(4). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Rescinded and readopted: Filed Aug. 16, 1978, effective Dec. 11, 1978. Amended: Filed Sept. 11, 1980, effective Feb. 16, 1981. Amended: Filed Sept. 14, 1981, effective Jan. 15, 1982. Amended: Filed Aug. 4, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 5, 1987, effective June 1, 1987. Amended: Filed Aug. 4, 1987, effective Dec. 24, 1987. Amended: Filed Dec. 9, 1988, effective April 28, 1989. Amended: Filed Nov. 2, 1989, effective Feb. 15, 1990. Emergency amendment filed Feb. 21, 1990, effective March 5, 1990, expired June 2, 1990. Amended: Filed Feb. 26, 1990, effective June 11, 1990. Amended: Filed Dec. 12, 1990, effective June 10, 1991. Amended: Filed Oct. 1, 1996, effective June 30, 1997.

*Original authority: 374.045, RSMo 1967, amended 1993, 1995; 375.1000–375.1018 see Missouri Revised Statutes 1994.

20 CSR 100-1.040 Standards for Prompt Investigation of Claims

(Rescinded July 30, 2008)

AUTHORITY: section 374.045, RSMo Supp. 1996 and sections 375.1000–375.1018, RSMo 1994. This rule was previously filed as 4 CSR 190-10.060(5). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Rescinded and readopted: Filed Aug. 16, 1978, effective Dec. 11, 1978. Amended: Filed Sept. 11, 1980, effective Feb. 16, 1981. Amended: Filed Sept. 14, 1981, effective Jan. 15, 1982. Amended: Filed Aug. 4, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 5, 1987, effective June 1, 1987. Amended: Filed Aug. 4, 1987, effective Dec. 24, 1987. Amended: Filed Dec. 9, 1988, effective April 28, 1989. Amended: Filed Nov. 2, 1989, effective Feb. 15, 1990. Emergency amendment filed Feb. 21, 1990, effective March 5, 1990, expired June 2, 1990. Amended: Filed Feb. 26, 1990, effective June 11, 1990. Amended: Filed Dec. 12, 1990, effective June 10, 1991. Amended: Filed Oct. 1, 1996, effective June 30, 1997. Rescinded: Filed Nov. 1, 2007, effective July 30, 2008.

20 CSR 100-1.050 Standards for Prompt, Fair, and Equitable Settlement of Claims

PURPOSE: This rule effectuates or aids in the interpretation of sections 375.1007(3) and 375.1007(4), RSMo.

(1) Standards for Prompt, Fair, and Equitable Settlements Applicable to All Insurers, (excluding electronically submitted claims under health benefit plans subject to sections 376.383 to 376.384, RSMo).

(A) Within fifteen (15) working days after the submission of all forms necessary to establish the nature and extent of any claim, the first-party claimant shall be advised of the acceptance or denial of the claim by the insurer. No insurer shall deny any claim on the grounds of a specific policy provision, condition or exclusion unless reference to that provision, condition or exclusion is included in the denial. The denial must be given to the claimant in writing and the claim file of the insurer shall contain a copy of the denial.

(B) If a claim is denied for reasons other than those described in subsection (1)(A), an appropriate notation shall be made in the claim file of the insurer.

(C) If the insurer needs more time to determine whether a claim should be accepted or denied, it shall so notify the first-party claimant within the time otherwise allotted for acceptance or denial, giving the reasons

more time is needed. If the investigation remains incomplete, the insurer, within forty-five (45) days from the date of the initial notification and every forty-five (45) days after, shall send the claimant a letter setting forth the reasons additional time is needed for investigation.

(D) No insurer shall fail to settle any first-party claim on the basis that responsibility for payment should be assumed by others except as otherwise may be provided by policy provisions.

(E) No insurer shall continue negotiations or settlement of any claim directly with a claimant who is neither an attorney nor represented by an attorney until the claimant's rights may be affected by a statute of limitations or a policy time limit, without giving the claimant written notice that the time limit may be expiring and may affect the claimant's rights. The notice shall be given to first-party claimants thirty (30) days and to third-party claimants sixty (60) days before the date on which the time limit may expire.

(F) No insurer shall make any statement which indicates that the rights of a third-party claimant may be impaired if a form of release is not completed within a given period of time unless the statement is given for the purpose of notifying the third-party claimant of the provision of a statute of limitations.

(G) All insurers offering cash settlements of first-party long-term disability income claims shall develop a present value calculation of future benefits utilizing contingencies, such as mortality, morbidity, and interest rate assumptions, etc., appropriate to the risk. A copy of the amount so calculated shall be given to the insured and signed by him/her at the time a settlement is entered into, and a copy of the amount with the calculations shall be given to the insured at the time the insured is first approached regarding settlement. This acknowledgment of advice of probable value of the contract, together with a copy of the calculations used to arrive at the amount, shall be maintained in the claim file whenever a cash settlement is accepted by the insured. This regulation does not apply to the settlement of liability insurance claims or structured settlements made in settlement of liability insurance claims. The furnishing of a present value calculation to an insured is not construed to imply or impose any liability on the insurer.

(H) For death benefit claims on all life insurance policies, consistent with section 408.020, interest accrues at the rate of nine percent (9%) per annum, unless a different interest rate is specified in the policy, from the date of death of the insured until the date the claim is paid if the insurer fails to pay the



policy proceeds within thirty (30) days of submission of proof of death and receipt of all necessary proofs of loss. Interest at the same rate continues to accrue on any unpaid interest not included with the death benefit payment.

(2) Standards for Prompt, Fair, and Equitable Settlements Applicable to Automobile Insurance.

(A) Where liability and damages are reasonably clear, insurers shall not recommend that third-party claimants make claim under their own policies to avoid paying claims under the insurer's insurance policy or insurance contract.

(B) Insurers shall not require a claimant to travel unreasonably either to inspect a replacement automobile, to obtain a repair estimate, or to have the automobile repaired at a specific repair shop.

(C) Insurers, upon the claimant's request, shall include the first-party claimant's deductible, if any, in subrogation demands. Subrogation recoveries shall be shared on a proportionate basis with the first-party claimants, unless the deductible amount has been otherwise recovered. No deduction for expenses can be made from the deductible recovery unless an outside attorney is retained to collect this recovery. The deduction may then be for only a *pro rata* share of the allocated loss adjustment expense.

(D) Estimates.

1. If an insurer prepares an estimate of the cost of automobile repairs, the estimate shall be in an amount for which it may be reasonably expected the damages can be satisfactorily repaired. The insurer shall give a copy of the estimate to the claimant and may furnish to the claimant the names of one (1) or more conveniently located repair shops.

2. No insurer may prepare an estimate, except an estimate prepared at the insured's request by a person or entity having no contractual relationship with the insurer, of the cost of automobile repairs based on the use of an after-market part, unless each of the following conditions are met:

A. The insurer discloses to the claimant in writing, either on the estimate or in a separate document attached to the estimate, the following information in no smaller than ten- (10-) point type: "This estimate has been prepared based on the use of an automobile part(s) not made by the original equipment manufacturer. Parts used in the repair of your vehicle by other than the original manufacturer are required to be at least equal in kind and quality in terms of fit, quality, and performance to the original manufacturer parts they are replacing." All after-mar-

ket parts installed on the vehicle shall be clearly identified on the repair estimate;

B. No insurer shall require the use of after-market parts in the repair of an automobile unless the after-market part is at least equal in kind and quality to the original part in terms of fit, quality, and performance. Insurers specifying the use of after-market parts shall consider the cost of any modifications which may become necessary when making the repair; and

C. All after-market parts, which are subject to this regulation and manufactured after October 31, 1991, shall carry sufficient permanent identification so as to identify its manufacturer, with the identification being accessible to the extent possible after installation.

3. Definitions.

A. Insurer includes any person authorized to represent the insurer with respect to a claim and who is acting within the scope of the person's authority.

B. After-market part, for purposes of this regulation, means sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels, not made by the original equipment manufacturer.

(E) When the amount claimed is reduced because of betterment or depreciation, all information for the reduction shall be contained in the claim file. These reductions shall be itemized and appropriate in amount.

(F) When the insurer elects to repair and designates a specific repair shop for automobile repairs, the insurer shall cause the damaged automobile to be restored to its condition prior to the loss at no additional cost to the claimant other than as stated in the policy and within a reasonable period of time.

(G) The insurer shall not use as a basis for cash settlement with a first-party claimant an amount which is less than the amount which the insurer would pay if repairs were made, other than in total loss situations, unless the amount is agreed to by the insured.

(3) Standards for Prompt, Fair, and Equitable Settlements Applicable to Health Insurance.

(A) Precertification. An insurer may require that claimants for health insurance benefits have their course of treatment certified in advance of incurring the claim based upon the course of treatment, so long as the following conditions are met:

1. The rules of the insurer for precertification are fully disclosed to the covered person in advance of any incurred claim or course of treatment; and

2. Precertification determinations are made in a prompt, fair, and equitable manner.

(B) Denial of Precertified Claims.

1. No insurer may deny, in whole or in part, any claim for health insurance benefits if—

A. The claim is based upon a course of treatment which has been precertified; and

B. The claim denial is based upon one (1) or more of the following reasons:

(I) The claim or course of treatment was not medically necessary; or

(II) The claim or course of treatment was experimental.

2. The provisions of paragraph (3)(B)1. of this rule do not apply to any claim against an insurer which has a contract—

A. With the health care provider who provided the treatment upon which the claim is based; and

B. Which provides that the health care provider will hold the insured harmless from the denial of the claim.

(4) Standards for Prompt Investigations of Claims. Every insurer shall complete an investigation of a claim within thirty (30) days after notification of the claim, unless the investigation cannot reasonably be completed within this time.

AUTHORITY: sections 374.045 and 375.1000–375.1018, RSMo 2016. This rule was previously filed as 4 CSR 190-10.060(6), (7), and (II). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Rescinded and readopted: Filed Aug. 16, 1978, effective Dec. 11, 1978. Amended: Filed Sept. 11, 1980, effective Feb. 16, 1981. Amended: Filed Sept. 14, 1981, effective Jan. 15, 1982. Amended: Filed Aug. 4, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 5, 1987, effective June 1, 1987. Amended: Filed Aug. 4, 1987, effective Dec. 24, 1987. Amended: Filed Dec. 9, 1988, effective April 28, 1989. Amended: Filed Nov. 2, 1989, effective Feb. 15, 1990. Emergency amendment filed Feb. 21, 1990, effective March 5, 1990, expired June 2, 1990. Amended: Filed Feb. 26, 1990, effective June 11, 1990. Amended: Filed Dec. 12, 1990, effective June 10, 1991. Amended: Filed May 2, 1991, effective Oct. 31, 1991. Emergency amendment filed May 15, 1991, effective May 25, 1991, expired Sept. 21, 1991. Amended: Filed May 16, 1991, effective Oct. 31, 1991. Emergency amendment filed Oct. 3, 1991, effective Oct. 13, 1991, expired Feb. 9, 1992. Amended: Filed Oct. 3, 1991, effective March 9, 1992. Amended: Filed Oct. 1, 1996, effective June 30, 1997. Amended: Filed Nov. 1, 2007, effective July 30, 2008. Amended: Filed Dec. 13, 2018, effective July 30, 2019.*



**Original authority: 374.045, RSMo 1967, amended 1993, 1995, 2008 and 375.1000–375.1018, see RSMo 2016.*

20 CSR 100-1.060 Standards for Prompt, Fair, and Equitable Settlements under Health Benefit Plans
(Rescinded October 30, 2011)

AUTHORITY: section 376.1007, RSMo 2000 and sections 374.045, 376.383, and 376.384, RSMo Supp. 2008. Original rule filed Sept. 5, 2008, effective May 30, 2009. Rescinded: Filed April 8, 2011, effective Oct. 30, 2011.

20 CSR 100-1.070 Identification Cards Issued by Health Carriers

PURPOSE: This rule sets forth the requirements for an identification card issued to insureds or enrollees by health carriers offering health benefit plans.

(1) Applicability.

(A) This rule applies to all health carriers offering or providing a plan of health insurance, health benefits, or health services to individuals and groups.

(B) The provisions of this rule do not apply to identification cards issued to individuals or groups that relate solely to the provision of prescription drug benefits.

(2) Definitions. As used in this section—

(A) “Health benefit plan” means health benefit plan as defined in section 376.1350(18), RSMo; and

(B) “Health carrier” means health carrier as defined in section 376.1350(22), RSMo.

(3) Identification Cards.

(A) An identification card or similar document issued to insureds or enrollees shall include the following information:

1. The name of the enrollee or insured;
2. The first date on which the enrollee or insured became eligible for benefits under the plan or a toll-free number that a health care provider may use to obtain such information; and

3. Indicate that the health benefit plan offered by the health carrier is regulated by the Department of Insurance, Financial Institutions and Professional Registration by placing “Fully Insured” on the front.

(B) The issuer of a health benefit plan may use an identification card containing a magnetic strip or other technological component enabling the electronic transmission of information, provided that the information in this

section is printed on the card.

AUTHORITY: sections 374.045, 376.383, 376.384, and 376.1007, RSMo 2016. Original rule filed Sept. 5, 2008, effective May 30, 2009. Amended: Filed Dec. 13, 2018, effective July 30, 2019.*

**Original authority: 374.045, RSMo 1967, amended 1993, 1995, 2008; 376.383, RSMo 1998, amended 2001, 2010; 376.384, RSMo 2001; and 376.1007, RSMo 1993.*

20 CSR 100-1.100 Claims Involving Public Adjusters or Solicitors

PURPOSE: This rule effectuates or aids in the interpretation of section 375.1007(4), RSMo as applied to claims involving a public adjuster or solicitor.

(1) No insurance company authorized to do the business of insurance in Missouri shall make payment of any insurance claim, or any portion of a claim, to a public adjuster or solicitor on account of services rendered by a public adjuster or solicitor to an insured unless the name of the insured is added as a joint payee on any claim check or draft. The payment, whether by check, draft or otherwise, should be sent to the address designated by the insured.

AUTHORITY: section 374.045, RSMo 2000 and sections 375.1000–375.1018, RSMo 2000 and RSMo Supp. 2007. This rule was previously filed as 4 CSR 190-10.060(10). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Rescinded and readopted: Filed Aug. 16, 1978, effective Dec. 11, 1978. Amended: Filed Sept. 11, 1980, effective Feb. 16, 1981. Amended: Filed Sept. 14, 1981, effective Jan. 15, 1982. Amended: Filed Aug. 4, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 5, 1987, effective June 1, 1987. Amended: Filed Aug. 4, 1987, effective Dec. 24, 1987. Amended: Filed Dec. 9, 1988, effective April 28, 1989. Amended: Filed Nov. 2, 1989, effective Feb. 15, 1990. Emergency amendment filed Feb. 21, 1990, effective March 5, 1990, expired June 2, 1990. Amended: Filed Feb. 26, 1990, effective June 11, 1990. Amended: Filed Dec. 12, 1990, effective June 10, 1991. Amended: Filed Oct. 1, 1996, effective June 30, 1997. Amended: Filed Nov. 1, 2007, effective July 30, 2008.*

**Original authority: 374.045, RSMo 1967, amended 1993, 1995 and 375.1000–375.1018, see RSMo 2000 and RSMo Supp. 2007.*

20 CSR 100-1.200 Claims Practices When Retrospective Premiums Paid
(Rescinded July 30, 2019)

AUTHORITY: section 374.045, RSMo 2000 and section 375.445, RSMo Supp. 2007. This rule was previously filed as 4 CSR 190-10.055. Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Amended: Filed July 12, 2002, effective Jan. 30, 2003. Amended: Filed Nov. 1, 2007, effective July 30, 2008. Rescinded: Filed Dec. 13, 2018, effective July 30, 2019.

20 CSR 100-1.300 Assignment of Benefits
(Rescinded July 30, 2019)

AUTHORITY: sections 374.045 and 376.778, RSMo 1986 and 376.427, RSMo Supp. 1990. Original rule filed April 25, 1991, effective Sept. 30, 1991. Rescinded: Filed Dec. 13, 2018, effective July 30, 2019.