**20:06:21:40.  Applications -- Health and medication questions.** All applications for long-term care insurance policies or certificates, except those which are guaranteed issue, must contain clear and unambiguous questions designed to ascertain the health condition of the applicant. If an application for long-term care insurance contains a question which asks whether the applicant has had medication prescribed by a physician, it must also ask the applicant to list the medication that has been prescribed. If the medications listed in the application were known, or should have been known, by the insurer at the time of application to be directly related to a medical condition for which coverage would otherwise be denied, the policy or certificate may not be rescinded for that condition.

 **Source:** 23 SDR 55, effective October 20, 1996.

 **General Authority:** SDCL 58-17B-4.

 **Law Implemented:** SDCL 58-17B-4, 58-17B-6.