



**COMMONWEALTH OF MASSACHUSETTS**  
**Office of Consumer Affairs and Business Regulation**  
**DIVISION OF INSURANCE**

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**PROPERTY AND CASUALTY COVERAGE**  
**Filing Guidance Notice 2016-B**

**TO:** Commercial Insurance Carriers  
**FROM:** Sheri Cullen, Director, Policy Form Review  
**DATE:** November 23, 2016  
**RE:** Travel Insurance Coverage

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This Filing Guidance Notice is issued to provide guidance for commercial insurers regarding Chapter 219 of the Acts of 2016 (“Chapter 219”) and its relation to the issuance of travel insurance products within the Commonwealth of Massachusetts.

According to the provisions of M.G.L. c. 176J, 211 CMR 66.00, and related bulletins, carriers that offer insured products to eligible individuals and eligible small groups that include health benefits are required to comply with the benefit and rating requirements that apply to health benefit plans offered through Massachusetts merged individual/small group health insurance market. Chapter 219 amended the definition of “health benefit plan” within section 1 of M.G.L. c. 176J to exclude “travel insurance”. Chapter 219 further amends the definition of “health benefit plan” within section 1 of M.G.L. c. 176J to include the following definition of “travel insurance”:

Travel insurance for the purpose of this chapter is insurance coverage for personal risks incident to planned travel, including but not limited to:

- (i) interruption or cancellation of trip or event;
- (ii) loss of baggage or personal effects;
- (iii) damages to accommodations or rental vehicles; or
- (iv) sickness, accident, disability or death occurring during travel, provided that the health benefits are not offered on a stand-alone basis and are incidental to other coverages.

The term, “travel insurance” shall not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting 6 months or longer, including for example, those working overseas as an expatriot or military personnel being deployed.

Those products that meet the definition noted above for “travel insurance” will be exempt from the rating and benefit requirements for insured health benefit plan products offered to eligible individuals and eligible small groups.

Please note that the Division will consider those travel insurance products that meet the requirements of Chapter 219 to be inland marine property and casualty coverage and not subject to the requirements of M.G.L. c. 176J. The Division expects the following to be submitted via the System for Electronic Rate and Form Filing for review by the Division’s Policy Form Review staff:

- The policy forms of travel insurance products to be newly offered in Massachusetts after the date of this Filing Guidance Notice are to be submitted prior to their use in Massachusetts;
- The policy forms of existing travel insurance products issued in Massachusetts are to be submitted no later than April 1, 2017; and
- The policy forms of existing travel insurance products issued to Massachusetts residents through a trust or association situated outside Massachusetts are to be submitted no later than July 1, 2017.

All submitted filings are to include the Base Property & Casualty Checklist, transmittal forms, and any other filing requirements appropriate to property and casualty insurance. Since “travel insurance” is an “inland marine” product, carriers are not expected to submit rate filings to accompany the form filing materials.

Please note that M.G.L. c. 176J applies to products offered to eligible individuals and eligible small employers even when the coverage is provided through a group association or trust located outside Massachusetts. For this reason, the Division expects carriers to submit all travel insurance products that are offered to any Massachusetts eligible individual or eligible small employer, including, but not limited to, travel insurance products that are provided through a group association or trust located outside Massachusetts.

If you have any questions regarding this Filing Guidance Notice, please contact Sheri Cullen, Director, Policy Form Review at (617) 521-7359.