

**DRAFT INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY OF INDIA (HEALTH INSURANCE) (AMENDMENT) REGULATIONS, 2022**

F. No, IRDAI/Reg/xx/2022 — In exercise of the powers conferred by section 114A of the Insurance Act, 1938 (4 of 1938) and sections 14 and 26 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Authority, in consultation with the Insurance Advisory Committee, hereby makes the following regulations, to further amend the Insurance Regulatory and Development Authority of India (Health Insurance) Regulations, 2016, namely: -

1. **Short title and commencement** — (1) These regulations may be called the Insurance Regulatory and Development Authority of India (Health Insurance) (Amendment) Regulations, 2022.  
  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Insurance Regulatory and Development Authority of India (Health Insurance) Regulations, 2016-
  - a. Clause (b) of sub-regulation (i) of Regulation 2 shall be omitted.
  - b. For heading of Regulation 3, the following heading shall be substituted, namely:  
  
“Scope of Health Insurance Business”
  - c. For sub-regulation (b) of Regulation 3, the following sub-regulation shall be substituted, namely: -  
  
“A life insurer shall not offer indemnity based products either Individual or Group”.
  - d. For sub-regulation (c) of Regulation 3, the following sub-regulation shall be substituted, namely: -  
“Insurers may offer health insurance products for a tenure as per the guidelines as may be specified by the Authority from time to time”
  - e. sub-regulation (d) of Regulation 3 shall be omitted.
  - f. sub-regulation (e) of Regulation 3 shall be omitted.

- g. For sub-regulation (b) of Regulation 4, the following sub-regulation shall be substituted, namely: -

Health Insurance products of Life Insurers shall also be subject to the provisions specifically provided for health products in the following Regulations as modified from time to time:

1. IRDAI (Linked Insurance Products) Regulations, 2019.
2. IRDAI (Non-linked Insurance Products) Regulations, 2019.
3. IRDAI (Protection of Policyholders' Interests) Regulations, 2017.

- h. sub-regulation (ii) of Regulation 5 shall be omitted.

- i. For Regulation 7, the following regulation shall be substituted, namely: -

“Insurers may offer group health products as per the guidelines as may be specified by the Authority from time to time.”

- j. In sub-regulation (b) of Regulation 8, the word ‘sub-standard’ shall be replaced with the word ‘non-standard’.

- k. In sub-regulation (d) of Regulation 8, the words ‘General Insurers and Health Insurers’ shall be replaced with the word ‘Insurers’.

- l. sub-regulation (a) of Regulation 9 shall be omitted.

- m. For sub-regulation (ii) of Regulation 12, the following regulation shall be substituted, namely: -

“Except travel insurance products and Pilot Products referred to in Regulation 2(i) (l) herein, once a proposal is accepted and a policy is issued which is thereafter renewed periodically without any break, further renewal shall not be denied on grounds of the age of the insured”

- n. For heading of Regulation 13, the following heading shall be substituted, namely:

“Renewal of Health Policies issued by General Insurers and Health Insurers (not applicable for travel policies)

- o. Regulation 15 shall be omitted.

- p. For heading of regulation 25, the following heading shall be substituted, namely:

“Discount and Loadings”

- q. For sub-regulation (i) of Regulation 25, the following regulation shall be substituted, namely: -

“For Individual products, the loadings on renewal shall be offered for the entire portfolio and shall not be based on any individual policy claim experience”

- r. For sub-regulation (iii) of Regulation 25, the following regulation shall be substituted, namely: -

“No Insurer shall resort to fresh underwriting by calling for medical examination, fresh proposal form at renewal stage where there is no change in Sum Insured offered. Provided that where there is an improvement in the risk profile, the Insurer may endeavour to recognise that for removal of loadings or offering discount at the point of renewal”

- s. For Regulation 28, following wordings before sub-regulation (i) shall be substituted, namely: -

“In addition to the requirements stipulated in IRDAI (Protection of Policyholders’ Interest) Regulations, 2017 as amended from time to time the policy document shall contain:”

- t. For sub-regulation (iv) of Regulation 28, the following regulation shall be substituted, namely: -

Penal interest provision shall invariably be incorporated in the policy document as per the applicable provisions of (Protection of Policyholders’ Interests) Regulations, 2017 as modified from time to time.

- u. For sub-regulation (b) of Regulation 30, the following regulation shall be substituted, namely: -

“Insurer shall be responsible for ensuring availability of cashless facility at network providers”

- v. sub-regulation (g) of Regulation 30 shall be omitted.

- w. For heading of Regulation 31, the following heading shall be substituted, namely:

“Norms related to Network Providers”

- x. sub-regulation (a) of Regulation 31 shall be omitted.

y. sub-regulation (b) of Regulation 31 shall be omitted.

z. sub-regulation (c) of Regulation 31 shall be omitted.

aa. For sub-regulation (d) of Regulation 31, the following regulation shall be substituted, namely: -

“The Insurance Company shall endeavour to arrange adequate number of both public and private sector network providers across the geographical spread for providing cashless facility”

bb. sub-regulation (b) of Regulation 35 shall be omitted.

cc. For clause 4 of the Schedule- I, the following proviso shall be inserted, namely: -

“Provided where the proposal for portability is considered, it is the responsibility of the insurer to obtain the entire claim history of prior policy years from the existing insurer(s). No claim shall be repudiated on the grounds of non-disclosure of any of the claims already preferred or made with the existing insurer(s)”.

dd. For clause 7 of the Schedule -I, the following clause shall be substituted, namely: -

On receipt of intimation referred under Clause (1) above, the insurance company shall furnish the applicant, the Portability Form as set out in Annexure-I together with a proposal form and relevant product literature on various health insurance products which could be offered.

ee. For Clause 9 of the Schedule 1, the following Clause shall be substituted, namely: -

*Within 5 working days of receipt of the Portability Form, the insurance company shall seek the necessary details of medical history and claim history of the concerned policyholder from the existing insurance company. This shall be done through the web portal being maintained by IIB.*

ff. For clause 12 of the Schedule -I, the following clause shall be substituted, namely: -

On receipt of the data from the existing insurance company, the new insurance company may underwrite the proposal and convey its decision to the policyholder as specified in Regulation 8 (6) of the IRDAI (Protection of Policyholders' interests) Regulations, 2017.

gg. After Clause 19 of Schedule 1, the following Clause shall be inserted, namely: -

The websites of the insurers shall contain information on sequence of steps that shall be followed along with the responsibilities of policyholders during porting of the health insurance policy

hh. For clause 3(b)(viii) of the Schedule -II, the following clause shall be substituted, namely: -

Insurers shall ensure filing of the advertisements in accordance with IRDAI (Insurance Advertisements and Disclosures) Regulations, 2021 within seven days from the date of issuing the advertisement with the Authority as amended from time to time.

ii. After Clause 2 of Schedule III the following clause shall be inserted namely,

2 (a) Regulation 3 (c ): Tenure of health insurance products.