

**Bulletin of March 1, 1973**

**Health and accident insurance, concerning § 58-17-10, SDCL**

March 1, 1973

SDCL § 58-17-10 states as follows:

"A policy of health insurance shall contain no provision for reduction in the payment of benefits under the policy because of the existence of any other insurance with the same insurer or other insurers except for benefits payable under Workmen's Compensation insurance."

Since SDCL 58-9-3 defines health insurance as including insurance, it is the opinion of this Department that *ALL* individual or franchise health and/or accident policies are prohibited from including *any* "Other Insurance" provisions such as "Other Insurance In This Company," "Insurance With Other Insurers," etc. This prohibition applies to insurance being issued *regardless of when the policy form was approved*.

Ralph A. Nauman  
Commissioner of Insurance