



# Misrepresentation in the Life, Health, and Disability Insurance Application Process: A National Survey

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## Misrepresentation in the Life, Health, and Disability Insurance Application Process: A National Survey

Insurers have a right to require that those applying for insurance will truthfully answer all questions contained in their application, and they then rely on the statements made by an insurance applicant. But what happens when an application for life, health, or disability insurance contains misrepresentations or intentional concealments? This comprehensive publication provides practitioners with a national survey of each of the fifty states, the District of Columbia, and the federal circuits regarding misrepresentations in applications as well as the applicable case law interpreting relevant statutes and developing the common law regarding misrepresentations. It also discusses the important evolving issues related to misrepresentations in the context of the Employee Retirement Income Security Act ("ERISA").

This is a useful tool for any practitioner, whether representing an insured, an insurer, or in-house counsel. Covering the full gamut of issues arising in the application process, including what constitutes a misrepresentation, how a policy is appropriately rescinded, and the defenses that may be raised to contest a decision to rescind a policy, it is logically organized by jurisdiction. Chapters address how state common law and statutes address misrepresentations in the life, health, and disability insurance application context. In addition, there is a chapter for each federal circuit that provides an overview of misrepresentations in the context of an employee welfare benefit plan governed by ERISA.

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