

## Standards Notice pursuant to the Health Insurance Law (No 11 of 2013) of the Emirate of Dubai

### Standards Notice Number 4 of 2015 (SN 04/2015)

Subject of this Standards Notice	Marketing of health insurance in or into the Emirate of Dubai
Applicability of this Standards Notice	This notice applies to all who market health insurance products in or into the Emirate of Dubai including healthcare service providers
Purpose of this Standards Notice	To define rules concerning the marketing of health insurance in or into the Emirate of Dubai
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Publication date	25 October 2015
This document replaces	Not applicable
This document has been replaced by	Not applicable
Effective date of this Standards Notice	Immediately upon publication
Grace period for compliance	None. However a grace period of 30 calendar days from the publication date is allowed for the removal, amendment or replacement of existing marketing materials which contravene the rules of this Standards Notice

#### Preamble

The Health Funding Department (HFD) of Dubai Health Authority has been concerned by the marketing activities of a small number of market participants that are in contravention of local laws and regulations or the spirit of the same. HFD also wishes to ensure the public are better informed about and are subject to less confusion as to the roles and authorisations of health insurance claims management companies, insurers and foreign unlicensed entities

#### Objectives of this Standards Notice

- To advise all companies who market health insurance schemes in or into the Emirate of Dubai of the rules to be followed when doing so;
- To ensure that all market participants adopt standards which prevent any intentional or unintentional misrepresentation on their part;
- To make clear that unlicensed entities, whether they be companies not holding a Federal Insurance Authority license and/or a Dubai permit, cannot market health insurance in or into the Emirate of Dubai in their own name;
- To advise healthcare service providers how they should advertise their various partnerships with health insurance companies, health insurance claims management companies and foreign entities not licensed in UAE

#### Federal laws and regulations

All health insurance market participants (local or foreign) must abide by UAE federal laws and regulations relating to the marketing of health insurance in or into the Emirate of Dubai. Where there is any conflict between the rules in this Standards Notice and the federal laws and regulations, the latter take precedence

#### General rule

No natural or legal person may market health insurance schemes in or into the Emirate of Dubai without possession of a permit from HFD. This applies regardless as to whether the scheme is designed as a top-up to existing provision which a UAE resident consumer may hold or if the benefits are available only outside UAE. This rule does not prevent a Dubai resident from effecting a health insurance policy outside the Emirate of Dubai as long as the vendor of that policy is not offering the policy for sale directly in or into the Emirate of Dubai.

## Definition

“Marketing in or into Dubai” means the promotion of health insurance products by whatever means with the objective of procuring health insurance business from Residents of the Emirate of Dubai or from any other legal person established in the Emirate of Dubai.

This definition extends to the following:

- Legal persons either present (whether legally established or not) in the Emirate of Dubai or in other Emirates of the United Arab Emirates and not holding a Dubai Health Insurance Permit (HIP) or a Dubai Health Insurance Intermediary Permit (HIIP);
- Legal persons outside the United Arab Emirates and having no legal presence therein;
- The use of physical distribution channels, internet marketing channels or any other electronic forms of communication on the part of legal persons identified above by which the intention is to procure health insurance business by those persons from Residents of the Emirate of Dubai or from any other legal person established in the Emirate of Dubai.

## Marketing by insurance companies

Only insurance companies who hold a Dubai Health Insurance Permit (HIP) may market health insurance in or into the Emirate of Dubai. In doing so they may make reference in any marketing materials that they hold a HIP, stating clearly if this is a conditional permit. Companies who do not hold a HIP are not allowed to market health insurance in or into the Emirate of Dubai. Companies must not employ any statements or terms that imply that they have been selected by or are preferred insurers of HFD

## Marketing by Participating Insurers

The above also applies to a Participating Insurer (PI). In addition, the PI must not employ any statements or terms which suggest that their PI status reflects them having been “selected” as such by HFD or that PI status makes them “preferred” or “superior” in any way. The PI is allowed to describe itself as a “Participating Insurer” or as “Qualified as a Participating Insurer”

## Marketing by health insurance claims management companies

The regulations relating to the marketing activities of health insurance claims management companies (also known as third party administrators (TPAs)) can be found in Federal Insurance Authority Board Resolution (9) of 2011 Article 4(5) and Article 6(1). These clearly state that TPAs are prohibited from marketing health insurance schemes

HFD interpretation of these regulations includes activities such as providing or offering to provide quotations to either customers or intermediaries or acting as an intermediary between the direct customer or intermediary and a permitted health insurance company

TPAs must clearly state in all marketing materials that they are health insurance claims management companies and must not state or give the impression that they are an insurance company

TPAs are allowed to state in their marketing materials that they hold a Dubai Health Insurance Permit (HIP) stating clearly if this is conditional

TPAs must ensure that where a healthcare provider advertises that they are part of the TPA’s network, the provider does not describe the TPA as an insurance company or as an insurance partner. Any healthcare provider advertising materials indicating a relationship with a TPA must clearly identify that the TPA is a health insurance claims management company. In this regard the use of the terms “Third Party Administrator” or “Health Claims Management Company” are acceptable

Healthcare providers can advertise their acceptance of “Health Insurance Cards” issued by health insurance companies or “Health Cards” managed by TPAs. Healthcare providers cannot describe cards issued by TPAs as being “Health Insurance Cards”

It is the joint and several responsibility of TPAs and providers in their network to adhere to these rules

### Marketing by foreign insurers not licensed in UAE

Foreign insurers which are not licensed by the Federal Insurance Authority are not allowed to market health insurance schemes in or into the Emirate of Dubai. This includes the operation of websites accessible in the UAE or any other electronic marketing methods employed to facilitate the procurement of health insurance products for purchase by Dubai residents or other legal persons established in the Emirate of Dubai

Where an unlicensed foreign insurer has a partnership with a UAE licensed insurer the following rules apply:

- Website marketing may only be carried out via the local insurance partner's website and in conformity to these rules;
- Marketing materials must clearly state that the products are insured by the local insurance partner;
- Marketing materials may state that the plans are "designed" or "developed" by the foreign insurer;
- Any use of the foreign insurer's branding (such as a logo) must be significantly subordinate to the branding of the local insurer. The foreign insurer's logo may not exceed 67% of the total area size of the local insurer's logo;
- Individuals marketing such plans in or into the Emirate of Dubai directly to the public or to intermediaries must hold Permitted Health Insurance Representative (PHIR) status and must be employees of the local insurance company (that is, they must be on the local insurance company's sponsorship)

### Marketing by intermediaries

Only intermediaries holding a Dubai Health Insurance Intermediary Permit (HIIP) may market health insurance in or into the Emirate of Dubai. In doing so they may make reference in any marketing materials that they hold a HIIP, stating clearly if this is a conditional permit. Companies who do not hold a HIIP are not allowed to market health insurance in or into the Emirate of Dubai

### Marketing by individuals

Individuals who market, sell or advise upon health insurance plans in or into the Emirate of Dubai must hold Permitted Health Insurance Representative status. This applies whether the individual is marketing on behalf of an intermediary or on behalf of an insurance company whether this latter activity be marketing to an intermediary or directly to the end client

It is the responsibility of the PHIR's employer to ensure that the PHIR register is kept up to date

PHIRs must clearly disclose to any person with whom they deal their status as either acting on behalf of an intermediary or on behalf of an insurance company. In this sense an intermediary is an insurance broker, an insurance consultant, an insurance agent representing a single insurer or a bank

### Marketing by healthcare providers

Consumers are clearly confused between health insurance companies and TPAs. HFD wishes to eliminate this confusion as far and as quickly possible. Accordingly, healthcare providers may advertise their partnership with TPAs or health insurance companies subject to the rules in [Marketing by health insurance claims management companies](#) (see above) and the following:

- The provider must not state or infer that a TPA is an insurance company;
- Any advertising must clearly state whether the partner is an insurance company or a TPA (in the latter case the terms "Third Party Administrator", "TPA", "Health insurance claims management company" or similar are allowable;
- The provider must not advertise the names or logos of any company that does not hold a Dubai HIP except where the provider is in the overseas network of a foreign insurer, preferred provider organisation (PPO) or other healthcare funder such as a foreign emergency medical expenses provider;

- Advertising may use the term “Health cards accepted here” and include the names of both health insurers and TPAs. If the term “Health **insurance** cards/companies accepted here” or any similar term is used then only health **insurance** companies’ names may be displayed and not those of TPAs which must be listed separately and denoted clearly as such

#### Use of DHA logo

The use in any marketing materials of the DHA logo is expressly prohibited. The only occasion when the DHA logo may be used is in marketing materials relating to any conference, program of health education, screening, testing, wellness promotion or similar **which HFD has endorsed**. In all cases, the organization which wishes to use the logo must adhere to the following process:

1. Seek endorsement by HFD of the program to be marketed;
2. If successful, submit to HFD a draft of the marketing material clearly showing where and at what size the logo will be employed;
3. Use only the logo image sent to the company and in the same colours, style and size ratio (length/breadth) as the original;
4. Submit to HFD a proof of the marketing material to be used including the DHA logo;
5. Distribute the material only having received written consent from HFD