

High Court Judgement: HIA v Chubb European Group plc

HIA welcomes decision by the High Court

Dublin, 22 October 2018 | The Health Insurance Authority ('HIA' or 'the Authority') welcome today's judgement by the High Court to uphold the Enforcement Notice in the case of the HIA v Chubb European Group plc.

This judgement relates to the Authority determining that "ordinarily resident in the State", in respect of non-European Economic Area students, means attending a course of study of more than one academic year's duration. The judge has agreed with the Authority's interpretation and determination.

CEO of the HIA, Don Gallagher commented: *"We are pleased that the Court has today ruled that we were correct in our determination of "ordinarily resident in the State" for the purpose of health insurance in Ireland. The judgment further confirms that the HIA, in its capacity of private health insurance market regulator, followed fair and proper procedures in reaching its determination and enforcement under the Health Insurance Acts.*

This is an important judgement in the context of the HIA's role as market regulator, and we will continue to devote our efforts to effectively monitoring the health insurance market; ensuring that health insurance operators are in complete compliance with the Health Insurance Acts."

Lastly, the registration with the HIA and compliance with the Health Insurance Acts forms part of the community rating system of health insurance in Ireland, which ensures that all consumers pay the same premium for the same health cover regardless of their age, gender, health or past record of claims. Ultimately, this Scheme tries to promote a fairer – or more equal - health system for consumers."

About HIA v Chubb European Group plc Court Case

In March 2017, and pursuant to Section 18B of the Health Insurance Act 1994, the HIA issued an Enforcement Notice to Chubb European Group plc in relation to their Medcover Student Policy. The Authority had deemed this product could not be sold unless Chubb complied with Health Insurance Acts and took the necessary product registration with the HIA.

Insurers selling health insurance contracts to persons "ordinarily resident in the State" are required to be registered with the Health Insurance Authority and to comply with the provisions of the Health Insurance Acts such as community rating, open enrolment, lifetime cover and minimum benefits.

ENDS

For more information on the Health Insurance Authority and the private health insurance market, go to www.hia.ie

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