**Section 2005.30 The Minimum Definition of Pre-existing Illness or Pre-existing Condition**

a) A "pre-existing illness" or "pre-existing condition" as constructed by the definition of sickness and the provisions for Time Limit on Certain Defenses in an accident and health insurance policy issued after the effective date of this Part shall mean any disease, illness, sickness, malady or condition which was:

1) diagnosed or treated by a legally qualified physician prior to the effective date of coverage for the insured with consultation, advice or treatment by a legally qualified physician occurring within 24 months prior to the effective date of coverage for the insured; or

2) diagnosed or treated by a legally qualified physician prior to the effective date of coverage for the insured, but a legally qualified physician demonstrates that there is a reasonable medical question that the disease, illness, sickness, malady or condition involved did continue within 24 months prior to the effective date of coverage for the insured without the necessity of consultation, advice or treatment by a legally qualified physician; or

3) evident because there was a clear, distinct symptom or symptoms of the disease, illness, sickness, malady or condition demonstrable prior to the effective date of coverage for the insured with the occurrence of such symptoms being evident within 12 months prior to the effective date of coverage for the insured and in which, in the opinion of a legally qualified physician, would;

A) indicate that the diseases, illness, sickness, malady or condition probably began and manifested itself before the effective date of the coverage for the insured, and

B) would cause an ordinarily prudent person to seek diagnosis, care or treatment.

b) The above definition is the minimum required. Any definition more favorable to the insured may be used. The time limitations in this Section do not apply to the company's underwriting standards such as the investigation of an applicant's health history.

(Source: Amended at 14 Ill. Reg. 19892, effective December 4, 1990)