**Section 3701.70 Prohibited Practices**

a) A viatical settlement provider, viatical settlement broker (or viatical settlement investment agent) shall obtain from a person that is provided with patient identifying information a signed affirmation that the person or entity will not further divulge the information without procuring the express, written consent of the insured for the disclosure. Notwithstanding the foregoing, if a viatical settlement provider, viatical settlement broker (or viatical settlement investment agent) is served with a subpoena and, therefore, compelled to produce records containing patient identifying information, it shall notify the viator and the insured in writing at their last known addresses within 5 business days after receiving notice of the subpoena.

b) A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.

c) A viatical settlement broker shall not, without the written agreement of the viator obtained prior to performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

(Source: Added at 39 Ill. Reg. 4975, effective March 23, 2015)