

Effective 5/13/2014

Sunsets 7/1/2015

31A-29-106 Powers of board.

- (1) The board shall have the general powers and authority granted under the laws of this state to insurance companies licensed to transact health care insurance business. In addition, the board shall:
 - (a) have the specific authority to enter into contracts to carry out the provisions and purposes of this chapter, including, with the approval of the commissioner, contracts with:
 - (i) similar pools of other states for the joint performance of common administrative functions; or
 - (ii) persons or other organizations for the performance of administrative functions;
 - (b) sue or be sued, including taking such legal action necessary to avoid the payment of improper claims against the pool or the coverage provided through the pool;
 - (c) establish appropriate rates, rate schedules, rate adjustments, expense allowances, agents' referral fees, claim reserve formulas, and any other actuarial function appropriate to the operation of the pool;
 - (d)
 - (i) close enrollment in the plans issued by the pool and cancel the plans issued by the pool in accordance with the plan of operation approved by the commissioner; and
 - (ii) close out the business of the pool in accordance with the plan of operation, including processing and paying valid claims incurred by enrollees prior to the date enrollment is closed under Subsection (1)(d)(i);
 - (e) retain an executive director and appropriate legal, actuarial, and other personnel as necessary to provide technical assistance in the operations of the pool and to close pool business in accordance with Subsection (1)(d);
 - (f) establish rules, conditions, and procedures for reinsuring risks under this chapter;
 - (g) cause the pool to have an annual and a final audit of its operations by the state auditor;
 - (h) provide for and employ cost containment measures and requirements including preadmission certification, concurrent inpatient review, and individual case management for the purpose of making the pool more cost-effective;
 - (i) establish annual limits on benefits payable under the pool to or on behalf of any enrollee;
 - (j) exclude from coverage under the pool specific benefits, medical conditions, and procedures for the purpose of protecting the financial viability of the pool;
 - (k) administer the Pool Fund;
 - (l) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this chapter;
 - (m) adopt, trademark, and copyright a trade name for the pool for use in marketing and publicizing the pool and its products; and
 - (n) transition health care coverage for all individuals covered under the pool as part of the conversion to health insurance coverage, regardless of preexisting conditions, under PPACA.
- (2)
 - (a) The board shall prepare and submit an annual and final report to the Legislature which shall include:
 - (i) the net premiums anticipated;
 - (ii) actuarial projections of payments required of the pool;
 - (iii) the expenses of administration; and
 - (iv) the anticipated reserves or losses of the pool.
 - (b) The budget for operation of the pool is subject to the approval of the board.

- (c) The administrative budget of the board and the commissioner under this chapter shall comply with the requirements of Title 63J, Chapter 1, Budgetary Procedures Act, and is subject to review and approval by the Legislature.