

**31A-22-611 Coverage for children with a disability.**

(1) For the purposes of this section:

(a) "Dependent with a disability" means a child who is and continues to be both:

- (i) unable to engage in substantial gainful employment to the degree that the child can achieve economic independence due to a medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months; and
- (ii) chiefly dependent upon an insured for support and maintenance since the child reached the age specified in Subsection 31A-22-610.5(2).

(b) "Mental impairment" means a mental or psychological disorder such as:

- (i) an intellectual disability;
- (ii) organic brain syndrome;
- (iii) emotional or mental illness; or
- (iv) specific learning disabilities as determined by the insurer.

(c) "Physical impairment" means a physiological disorder, condition, or disfigurement, or anatomical loss affecting one or more of the following body systems:

- (i) neurological;
- (ii) musculoskeletal;
- (iii) special sense organs;
- (iv) respiratory organs;
- (v) speech organs;
- (vi) cardiovascular;
- (vii) reproductive;
- (viii) digestive;
- (ix) genito-urinary;
- (x) hemic and lymphatic;
- (xi) skin; or
- (xii) endocrine.

(2) The insurer may require proof of the incapacity and dependency be furnished by the person insured under the policy within 30 days of the effective date or the date the child attains the age specified in Subsection 31A-22-610.5(2), and at any time thereafter, except that the insurer may not require proof more often than annually after the two-year period immediately following attainment of the limiting age by the dependent with a disability.

(3) Any individual or group accident and health insurance policy or health maintenance organization contract that provides coverage for a policyholder's or certificate holder's dependent shall, upon application, provide coverage for all unmarried dependents with a disability who have been continuously covered, with no break of more than 63 days, under any accident and health insurance since the age specified in Subsection 31A-22-610.5(2).

(4) Every accident and health insurance policy or contract that provides coverage of a dependent with a disability may not terminate the policy due to an age limitation.

Amended by Chapter 297, 2011 General Session

Amended by Chapter 366, 2011 General Session