

Effective 5/12/2015

31A-30-117 Patient Protection and Affordable Care Act -- Market transition.

- (1)
 - (a) After complying with the reporting requirements of Section 63N-11-106, the commissioner may adopt administrative rules that change the rating and underwriting requirements of this chapter as necessary to transition the insurance market to meet federal qualified health plan standards and rating practices under PPACA.
 - (b) Administrative rules adopted by the commissioner under this section may include:
 - (i) the regulation of health benefit plans as described in Subsections 31A-2-212(5)(a) and (b); and
 - (ii) disclosure of records and information required by PPACA and state law.
 - (c)
 - (i) The commissioner shall establish by administrative rule one statewide open enrollment period that applies to the individual insurance market that is not on the PPACA certified individual exchange.
 - (ii) The statewide open enrollment period:
 - (A) may be shorter, but no longer than the open enrollment period established for the individual insurance market offered in the PPACA certified exchange; and
 - (B) may not be extended beyond the dates of the open enrollment period established for the individual insurance market offered in the PPACA certified exchange.
- (2) A carrier that offers health benefit plans in the individual market that is not part of the individual PPACA certified exchange:
 - (a) shall open enrollment:
 - (i) during the statewide open enrollment period established in Subsection (1)(c); and
 - (ii) at other times, for qualifying events, as determined by administrative rule adopted by the commissioner; and
 - (b) may open enrollment at any time.
- (3) To the extent permitted by the Centers for Medicare and Medicaid Services policy, or federal regulation, the commissioner shall allow a health insurer to choose to continue coverage and individuals and small employers to choose to re-enroll in coverage in nongrandfathered health coverage that is not in compliance with market reforms required by PPACA.

Amended by Chapter 283, 2015 General Session