

31A-42-204 Powers of commissioner.

- (1) The commissioner shall, after notice and hearing, approve the plan of operation if the commissioner determines that the plan:
 - (a) is consistent with this chapter; and
 - (b) is a fair and reasonable administration of the risk adjuster.
- (2) The plan shall be effective upon the adoption of administrative rules by the commissioner in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) If the board fails to submit a proposed plan of operation by January 1, 2010, or any time thereafter fails to submit proposed amendments to the plan of operation within a reasonable time after requested by the commissioner, the commissioner shall, after notice and hearing, adopt such rules as necessary to effectuate the provisions of this chapter.
- (4) Rules promulgated by the commissioner shall continue in force until modified by the commissioner or until superseded by a subsequent plan of operation submitted by the board and approved by the commissioner.
- (5) The commissioner may designate an executive secretary from the department to provide administrative assistance to the board in carrying out its responsibilities.

Enacted by Chapter 12, 2009 General Session