

HOUSE BILL NO. 324

INTRODUCED BY J. WELBORN

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT FOR INSURERS TO PROVIDE CERTIFICATION OF CREDITABLE COVERAGE; ALLOWING FOR CERTIFICATION TO BE ISSUED UPON REQUEST; AMENDING SECTION 33-22-142, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-22-142, MCA, is amended to read:

"33-22-142. Certification of creditable coverage. (1) (a) A group health plan and a health insurance issuer offering group or individual health insurance coverage shall issue the certification described in subsection (3):

(a) within 10 days after a request by an individual who ceases to be covered under the group or individual health plan, or otherwise becomes covered under a COBRA continuation provision;

(b) not later than 10 days after the expiration of the notice period for cancellation for nonpayment of premium pursuant to the provisions of 33-22-121 and 33-22-530 or after termination of coverage for any other reason;

(c) in the case of an individual becoming covered under a COBRA continuation provision, at the time that the individual ceases to be covered under a COBRA continuation provision; and

(d)(b) at the A request on behalf of an individual made not later than 24 months after the date of termination of the coverage described in subsection (1)(a) or (1)(c), whichever is later.

(2) The certification pursuant to subsection (1)(a) may be provided, to the extent practicable, at a time consistent with notices required under any applicable COBRA continuation provision.

(3) Certification is the written:

(a) certification of the period of creditable coverage of the individual under a group or individual health plan and the coverage under the any applicable COBRA continuation provision;

(b) certification of the waiting period, if any, and affiliation period, as defined in 33-31-102, if applicable, imposed with respect to the individual for any coverage under a group health plan;

(c) certification of the date of issuance of the certificate specified on the form; and



1 (d) notification to the individual of:

2 ~~(i) the individual's option to apply to the Montana comprehensive health association, provided for in~~
 3 ~~33-22-1503, for an association portability plan, as defined in 33-22-1501, within 63 days of issuance of a~~
 4 ~~certificate of creditable coverage;~~

5 ~~(ii)(i) the individual's conversion rights;~~

6 ~~(iii)(ii) the availability of COBRA continuation coverage; and~~

7 ~~(iv) the telephone number and address of the Montana comprehensive health association; and~~

8 ~~(v)(iii) other notification as determined necessary and in the form prescribed by rule by the commissioner.~~

9 (4) To the extent that medical care under a group health plan consists of group health insurance
 10 coverage, a group health plan satisfies the certification requirement of this section if the health insurance issuer
 11 offering the coverage provides the certification in accordance with this section.

12 (5) In the case of an election described in 33-22-141 by a group health plan or health insurance issuer,
 13 if the group health plan or health insurance issuer enrolls an individual for coverage under the group health plan
 14 and the individual provides a certification of coverage of the individual, the entity that issued the certification shall
 15 upon request of the group health plan or health insurance issuer promptly disclose information on coverage of
 16 classes and categories of health benefits available under the certified coverage. The entity may charge the
 17 requesting group health plan or health insurance issuer the reasonable cost of disclosing the information.

18 ~~——(6) This section applies to health insurance coverage offered by a health insurance issuer in the~~
 19 ~~individual market in the same manner as it applies to health insurance coverage offered by a health insurance~~
 20 ~~issuer in connection with a group health plan in the group market.~~

21 (6) At the time that an individual ceases to be covered by a group or individual health plan, the group
 22 health plan or health insurance issuer shall notify the individual that the individual may request the certification
 23 described in subsection (3) within the timeframes described in subsection (1)."

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25 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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