

§2849-C. Certifications of coverage

1. Application. This section applies to:

- A. Individual health plans subject to section 2736-C; and [PL 2001, c. 258, Pt. C, §1 (NEW).]
- B. Group and blanket health insurance contracts subject to chapter 35, except:
 - (1) Medicare supplement policies subject to chapter 67; and
 - (2) Contracts designed to cover specific diseases, hospital indemnity or accidental injury only. [PL 2001, c. 258, Pt. C, §1 (NEW).]

[PL 2001, c. 258, Pt. C, §1 (NEW).]

2. Requirement for certification of period of creditable coverage. The requirement for a certification of the period of creditable coverage is as follows.

A. A carrier, as defined in section 4301-A, subsection 3, must provide the certification described in paragraph B with respect to health plans subject to this section:

- (1) At the time an individual ceases to be covered under the plan or otherwise becomes covered under a COBRA continuation provision;
- (2) In the case of an individual becoming covered under a COBRA continuation provision, at the time the individual ceases to be covered under that provision; and
- (3) On the request on behalf of an individual made not later than 24 months after the date of cessation of the coverage described in subparagraph (1) or (2), whichever is later. The certification under subparagraph (1) may be provided, to the extent practicable, at a time consistent with notices required under any applicable COBRA continuation provision. [PL 2001, c. 258, Pt. C, §1 (NEW).]

B. The certification described in this paragraph is a written certification of:

- (1) The period of federally creditable coverage of the individual under the plan and the coverage, if any, under the COBRA continuation provision;
- (2) The waiting period, if any, imposed with respect to the individual for any coverage under the plan; and
- (3) An educational statement regarding the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, consistent with federal law. [PL 2007, c. 199, Pt. A, §6 (AMD).]

[PL 2007, c. 199, Pt. A, §6 (AMD).]

3. Alternative evidence of prior coverage. A carrier may not deny continuity rights as required by section 2849-B solely because the individual does not provide a certification described in subsection 2. The carrier must accept alternative evidence of prior coverage provided by the individual. If the individual asserts the existence of prior coverage but is unable to provide evidence, the carrier must make reasonable efforts to verify the existence of the prior coverage. The carrier may deny continuity rights if the individual refuses to cooperate in the carrier's efforts to verify prior coverage, such as if the individual refuses to provide needed authorization for the release of information to the carrier when requested by the carrier.

[PL 2001, c. 258, Pt. C, §1 (NEW).]

4. Notice. A carrier may not impose a preexisting condition exclusion before providing the individual with notice consistent with federal law of the individual's continuity rights and giving the individual an opportunity to provide a certification as described in subsection 2 or alternative evidence of prior coverage as described in subsection 3.

[PL 2007, c. 199, Pt. A, §7 (AMD).]

5. Rules. The superintendent may issue rules specifying the contents of certifications or other requirements consistent with this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

[PL 2001, c. 258, Pt. C, §1 (NEW).]

SECTION HISTORY

PL 2001, c. 258, §C1 (NEW). PL 2007, c. 199, Pt. A, §§6, 7 (AMD).

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