

3901-8-14

Open enrollment for children under nineteen in the individual and non-employer group markets.

(A) Purpose

The purpose of this rule is to establish uniform open enrollment periods during which carriers in the individual health insurance market must offer coverage to children under nineteen years of age on a guaranteed issue basis without any limitations or riders based on the health status of the child.

(B) Authority

This rule is promulgated pursuant to sections 3901.041 and 3901.044 of the Revised Code.

(C) Application of this rule to basic and standard coverage sold in the individual market

This rule does not apply to the requirements imposed on carriers or coverage issued pursuant to section 3923.58 or 3923.581 of the Revised Code. For purposes of this rule, the term "non-grandfathered coverage" means coverage offered by a carrier in the individual market to an applicant under the age of nineteen which is not the basic or standard plans offered pursuant to section 3923.58 or 3923.581 of the Revised Code.

(D) Transition period initial open enrollment

(1) Carriers offering non-grandfathered coverage in the individual market to children under age nineteen shall hold a one-time transitional open enrollment period from September 23, 2010 until November 15, 2010. During this transitional open enrollment period, all applicants under age nineteen shall be offered on a guaranteed issue basis the non-grandfathered coverage without any limitations or riders based on the health status of the child.

(2) Notice of the one-time transitional open enrollment opportunity and instructions on how to enroll must be displayed prominently on the carrier's web site for the duration of the one-time transitional open enrollment period.

(3) Coverage under paragraph (D) of this rule shall become effective on the first day of the month following the receipt of the completed application, or a date mutually agreed upon by the applicant and the carrier, but no later than January 1, 2011.

(E) Qualifying event

Carriers offering non-grandfathered coverage in the individual market to children under age nineteen who become newly eligible as a result of a qualifying event, shall make such coverage available on a guaranteed issue basis, without any limitations or riders based on the health status of the child for a period of thirty

days following the qualifying event. For purposes of this rule, a qualifying event shall include birth, adoption, marriage or involuntary loss of other coverage for any reason other than fraud, misrepresentation or failure to pay the premium.

(F) Twice yearly open enrollment for new applicants

- (1) Beginning July 2011, carriers offering non-grandfathered coverage in the individual market shall hold an open enrollment period each July, for the entire month, and each January, for the entire month, at which time coverage will be available for new applicants under age nineteen on a guaranteed issue basis, without any limitations or riders based on the health status of the child.
- (2) Notice of the open enrollment opportunity for new applicants, as well as the opportunity to enroll due to a qualifying event, must be displayed prominently on the carrier's web site throughout the year.

(G) Enrollment opportunity at renewal for children eligible as dependents

- (1) With respect to family policies being renewed, carriers must provide non-grandfathered policyholders in the individual market an opportunity to enroll eligible children for guaranteed issue coverage, without limitations or restrictions based on the health status of the child, beginning no later than the first day of the first policy year on or after September 23, 2010. This enrollment opportunity must continue for at least thirty days and be offered each year at the same time regardless of whether there is an open enrollment period.
- (2) Written notice of the annual open enrollment opportunity, as well as the opportunity to enroll due to a qualifying event, must be provided to policyholders in a timely manner and may be included in other enrollment materials distributed to policyholders, provided the statement is prominent.
- (3) Coverage under paragraphs (E), (F) and (G) of this rule shall become effective on the first day of the month following the receipt of the completed application, or a date mutually agreed upon by the applicant and the carrier, but no later than forty-five days after the last day of the month of the open enrollment period in which the application was received.

(H) Carriers may guarantee issue coverage to children under nineteen throughout the year

Carriers that issue non-grandfathered coverage in the individual market on a guaranteed issue basis without limitations or restrictions based on the health status of the child throughout the year need not follow the requirements of paragraph (F) of this rule.

(I) Underwriting practices to remain the same outside of open enrollment

To the extent permitted by federal law, carriers may continue with current underwriting practices in the non-grandfathered individual market with respect to children outside of the open enrollment periods established in this rule.

(J) Severability

If any paragraph, subparagraph, term, or provision of this rule be adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other paragraph, subparagraph, term, or provision of this rule, but the remaining paragraphs, subparagraphs, terms, and provisions shall be and continue in full force and effect.

Effective: 09/27/2010

CERTIFIED ELECTRONICALLY

Certification

09/27/2010

Date

Promulgated Under: 119.03
Statutory Authority: 3901.041, 3901.044
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