

NOTICE OF  
PROPOSED RULE AMENDMENT

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Insurance - Administration  
 Room no.: 3110  
 Building: STATE OFFICE BLDG  
 Street address 1: 450 N MAIN ST  
 Street address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-1201  
 Mailing address 1: PO BOX 146901  
 Mailing address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 35483 Date filed: 11/29/2011 11:49 AM  
 State Admin Rule Filing Key: 151838  
 Utah Admin. Code ref. (R no.): R 590 - 263 - 3  
 Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):  
 Most Commonly Selected.

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:  
 This rule is being changed at the request of industry to make it easier for those health insurers that find the deadline in Section 3 impossible to comply with without changing their computer processes or for some other reason.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.  
 No

Rule Summary

6. Summary of the rule or change:

The change to this rule is to accommodate allowances for insurer's internal processes. The change allows a licensed insurer to seek a date other than July 1 in Section 3 to comply with, if that date is burdensome. The focus of the rule

and the Health Exchange is to provide more health benefit plans to choose from. The current date could result in fewer plans to choose from.

#### Aggregate Cost Information

##### 7. Aggregate anticipated cost or savings to:

###### A) State budget:

Affected: No

This change will not affect the State's budget positively or negatively. Employee workload will not be increased.

###### B) Local government:

Affected: No

This rule does not affect local government since it deals with the relationship between the department and its licensees.

###### C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

The change could affect small employers if fewer plans are available on the Health Exchange.

###### D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

The change to this rule is being made to make allowance to those health insurers that find the compliance date in Section 3 burdensome and expensive to comply with. There is also the possibility that without this change an insurer might withdraw their benefit plans from the state and the Health Exchange rather than incur this cost, thereby impacting the Exchange and consumers by reducing the number of benefit plans to choose from.

#### Compliance Cost Information

##### 8. Compliance costs for affected persons:

The change to this rule is being made to make allowance to those health insurers that find the compliance date in Section 3 burdensome and expensive to comply with. There is also the possibility that without this change an insurer might withdraw their benefit plans from the state and the Health Exchange rather than incur this cost, thereby impacting the Exchange and consumers by reducing the number of benefit plans to choose from.

#### Department Head Comments

##### 9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The change to this rule will have a positive financial impact on health insurers that find the deadline in Section 3 financially and physically burdensome. It could likely have a positive impact on the Health Insurance Exchange by encouraging more health insurers to participate.

##### B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Insurance Commissioner

#### Citation Information

##### 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :  
31A-30-205(1)(d)(iii)

#### Incorporated Materials

##### 11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:  
Date Issued:  
Issue, or version:  
ISBN Number:  
ISSN Number:  
Cost of Incorporated Reference:  
Adds, updates, removes:

#### Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

01/17/2012

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

#### Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

01/24/2012

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

#### Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):  
insurance health benefit plans

#### File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

#### To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

#### Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information  
Specialist

Date (mm/dd/yyyy): 11/29/2011