

R590. Insurance, Administration.

R590-247. Universal [~~Individual~~] Health Insurance Application Rule.

R590-247-1. Authority.

This rule is promulgated pursuant to [~~Subsection~~] Subsections 31A-22-635 and 31A-30-102 which ~~direct~~ directs the commissioner [~~Insurance Department~~] to create a universal [~~individual~~] health insurance application.

R590-247-2. Purpose and Scope.

(1) The purpose of this rule is to establish [~~a~~] universal applications [individual application] for all insurers offering [health insurance] a health benefit plan [accident and health insurance insurers doing business] in Utah.

(2) This rule applies to all insurers offering an individual or small employer health benefit plan [health insurance accident and health insurers doing business] in Utah.

R590-247-3. General Instructions.

(1) Use of the Utah [~~Universal~~] Individual Health Insurance Application and the Utah Small Employer Health Insurance Application by insurers or by health insurance producers is mandatory [voluntary].

(2) The Utah [~~Universal~~] Individual Health Insurance Application and Utah Small Employer Health Insurance Application must [will] be used without insurer identifying logos or addresses to facilitate multiple insurer submissions using a single application.

(3) The Utah [~~Universal~~] Individual Health Insurance Application and Utah Small Employer Health Insurance Application can be downloaded from the Department's website at [(-)www.insurance.utah.gov (-)].

(4) The Utah [~~Universal~~] Individual Health Insurance Application and Utah Small Employer Health Insurance Application may [~~not~~] be altered for:

(a) purposes of electronic application and submission, including electronic signature disclaimers;

(b) languages other than English; and

(c) reasons specifically approved by the commissioner.

(5) The use of the Utah Individual Health Insurance Application and the Utah Small Employer Health Insurance Application does not limit the ability of an insurer to obtain additional information for underwriting purposes.

(6) Section L, Producer Agreement and Compensation Disclosure section on the Utah Individual Health Insurance Application must include all information to be disclosed as required by Section 31A-23a-501.

(7) (a) Except as provided in R590-247-3(7)(b), question number 40 on the Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application may not be used for purposes of Sections 31A-8-402.3, 31A-8-402.5, 31A-21-105, 31A-22-721, 31A-30-107, 31A-30-107.1, or R590-247-3(5), unless the information was disclosed or should have been disclosed in another question on the application.

(8) (a) Starting July 1, 2009, insurers shall accept the Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application.

(b) An insurer may accept an application other than the Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application until December 31, 2009.

(9) No later than July 1, 2010, all insurers shall offer compatible systems for electronic submission of the Utah Individual Health Insurance Application and the Utah Small Employer Health Insurance Application.

R590-247-4. Penalties.

A person found~~[, after a hearing or other regulatory process,]~~ to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.

~~R590~~547-247-5. Enforcement Date.

The commissioner will begin enforcing this rule 45 days from the rule's effective date.

R590-247-5. Severability.

If any provision of this rule or its application to any person or situation~~[circumstance]~~ is~~[, for any reason,]~~ held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.~~[the remainder of this rule and its application to other persons and circumstances are not affected.]~~

KEY: universal [~~individual~~]health insurance application

Date of Enactment or Last Substantive Amendment: [~~June 30, 2008~~]2009

Authorizing, and Implemented or Interpreted Law: [~~31A-2-308,~~]31A-30-102