NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment_x_; Repeal ___; Repeal and Reenact ___

Title No. - Rule No. - Section No.

Utah Admin. Code Ref (R no.): R590-247
Changed to Admin. Code Ref. (R no.): 

Filing ID (Office Use Only)

Agency Information

1. Department: Insurance
Agency: Administration
Room no.: Suite 2300
Building: Taylorsville State Office Building
Street address: 4315 S. 2700 W.
City, state and zip: Taylorsville, UT 84129
Mailing address: PO Box 146901
City, state and zip: Salt Lake City, UT 84114-6901

Contact person(s):
Name: Steve Gooch
Phone: 801-957-9322
Email: sgooch@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:
R590-247. Universal Health Insurance Application Rule

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule is being changed in compliance with Executive Order 2021-12. During the review of this rule, the department discovered a number of minor issues that needed to be amended.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):
The majority of the changes are being done to fix style issues to bring the rule text more in line with current rulewriting standards. Other changes make the language of the rule more clear, remove the Penalties section because penalties are already provided for in statute, and update the Severability section to use the department's current language. The changes do not add, remove, or change any regulations or requirements.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:
There is no anticipated cost or savings to the state budget. The changes are largely clerical in nature, and will not change how the department functions.

B) Local governments:
There is no anticipated cost or savings to local governments. The changes are largely clerical in nature, and will not affect local governments.

C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to small businesses. The changes are largely clerical in nature, and will not affect small businesses.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to non-small businesses. The changes are largely clerical in nature, and will not affect non-small businesses.

**E) Persons other than small businesses, non-small businesses, state, or local government entities** (*person* means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

There is no anticipated cost or savings to any other persons. The changes are largely clerical in nature.

**F) Compliance costs for affected persons** (How much will it cost an impacted entity to adhere to this rule or its changes?):

There are no compliance costs for any affected persons. The changes are largely clerical in nature.

**G) Comments by the department head on the fiscal impact this rule may have on businesses** (Include the name and title of the department head):

After conducting a thorough analysis, it was determined that this proposed rule amendment will not result in a fiscal impact to businesses. — Jonathan T. Pike, Insurance Commissioner

**6. A) Regulatory Impact Summary Table** (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

<table>
<thead>
<tr>
<th>Regulatory Impact Table</th>
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</thead>
<tbody>
<tr>
<td><strong>Fiscal Cost</strong></td>
</tr>
<tr>
<td>FY2022</td>
</tr>
<tr>
<td>State Government</td>
</tr>
<tr>
<td>Local Governments</td>
</tr>
<tr>
<td>Small Businesses</td>
</tr>
<tr>
<td>Non-Small Businesses</td>
</tr>
<tr>
<td>Other Persons</td>
</tr>
<tr>
<td><strong>Total Fiscal Cost</strong></td>
</tr>
<tr>
<td><strong>Fiscal Benefits</strong></td>
</tr>
<tr>
<td>FY2022</td>
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<tr>
<td>State Government</td>
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<tr>
<td>Local Governments</td>
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<tr>
<td>Non-Small Businesses</td>
</tr>
<tr>
<td>Other Persons</td>
</tr>
<tr>
<td><strong>Total Fiscal Benefits</strong></td>
</tr>
<tr>
<td><strong>Net Fiscal Benefits</strong></td>
</tr>
<tr>
<td>FY2022</td>
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<tr>
<td>$0</td>
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</tbody>
</table>

**B) Department head approval of regulatory impact analysis:**

The Commissioner of Insurance, Jonathan T. Pike, has reviewed and approved this fiscal analysis.

**Citation Information**

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

<table>
<thead>
<tr>
<th>Section 31A-2-201</th>
<th>Section 31A-2-212</th>
<th>Section 31A-22-635</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 31A-30-102</td>
<td>Section 31A-30-117</td>
<td></td>
</tr>
</tbody>
</table>

**Incorporations by Reference Information**

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) 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 the Office of Administrative Rules; if none, leave blank):

<table>
<thead>
<tr>
<th>First Incorporation</th>
</tr>
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<tbody>
<tr>
<td>Official Title of Materials Incorporated (from title page)</td>
</tr>
<tr>
<td>Publisher</td>
</tr>
<tr>
<td>Date Issued</td>
</tr>
</tbody>
</table>
R590. Insurance, Administration.

R590-247-1. Authority.
This rule is promulgated pursuant to Sections 31A-22-635 and 31A-30-102 which direct the commissioner to create a universal health insurance application by the commissioner pursuant to Sections 31A-2-201, 31A-2-212, 31A-22-635, 31A-30-102, and 31A-30-117.

R590-247-2. Purpose and Scope.
(1) The purpose of this rule is to establish a universal application[s] for all insurers offering a health benefit plan in Utah outside the Federally Facilitated Marketplace.
(2) This rule applies to:
(a) all individual health benefit plan[s] in Utah offered outside the Federally Facilitated Marketplace; and
(b) all small employer health benefit plan[s].

Terms used in this rule are defined in Sections 31A-1-301 and 31A-22-635.

(1) An insurer or producer shall use the Utah Individual Health Insurance Application and the Utah Small Employer Health Insurance Application by insurers or by health insurance producers is mandatory.
(2) The Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application must be used without insurer identifying logos or addresses to facilitate multiple insurer submissions using a single application.
(3) The Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application [can be downloaded from the Department's website at www.] are available on the department's website, https://insurance.utah.gov.

(4) The Utah Individual Health Insurance Application and Utah Small Employer Health Insurance Application may 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) [All insurers] An insurer shall offer compatible systems for electronic submission of the Utah Individual Health Insurance Application and the Utah Small Employer Health Insurance Application.

(6) If an employee chooses to waive coverage, an insurer shall not require [such the employee to complete any section of the Utah Small Employer Health Insurance Application other than the Waiver of Coverage section.]

(7)(a) Individual health insurers shall use the Utah Individual Health Insurance Application dated October 2010 for all applications with coverage effective dates prior to January 1, 2014.

(b)(i) Individual health insurers shall use the Utah Individual Health Insurance Application dated June 2016 for coverage outside of the Federally Facilitated Marketplace.

(ii) Individual health insurers shall use the Utah Individual Health Insurance Application dated October 2010 for all applications with coverage effective dates prior to January 1, 2014.

(b)(i) Small employer insurers shall use the Utah Small Employer Health Insurance Application dated October 2010 for all applications with coverage effective dates prior to January 1, 2014.

(ii) Small employer insurers shall use the Utah Small Employer Health Insurance Application dated January 2014 for all applications with coverage effective dates on or after January 1, 2014.

(7) An insurer offering an individual health benefit plan shall use the Utah Health Insurance Application dated June 2016 for coverage outside of the Federally Facilitated Marketplace.

(8) An insurer offering a small employer health benefit plan shall use the Utah Small Employer Health Insurance Application dated January 2014 for an application with a coverage effective date on or after January 1, 2014.

[R590-247-4. Penalties.
A person found to be in violation of this rule shall be subject to penalties as provided under 31A-2-308.
]

[R590-247-5. Severability.
If any provision of this rule or its application to any person or situation is 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. If any provision of this rule, Rule R590-247, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

KEY: universal health insurance application
Date of Enactment or Last Substantive Amendment: June 15, 2016
Notice of Continuation: June 13, 2018
Authorizing, and Implemented or Interpreted Law: 31A-30-102