

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:

Steve Gooch	801-538-3803	801-538-3829	sgooch@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:	40273	Date filed:	03/18/2016 11:26 AM
State Admin Rule Filing Key:	157334		
Utah Admin. Code ref. (R no.):	R 590 - 262 -		
Changed to Admin. Code ref. (R no.):	- -		

Title

2. Title of rule or section (catchline):
Health Data Authority Health Insurance Claims Reporting

Notice Type

3. Type of notice: Amendment

Rule Purpose

4. Purpose of the rule or reason for the change:
To update reporting standards as a result of the Supreme Court's ruling on Gobeille v. Liberty Mutual Insurance Company.

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 rule clarifies that self-funded employer welfare benefit plans no longer have to submit reports under this rule.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:
- A) State budget:
Affected: Yes
The insurance department will have very slight savings being that we are no longer able to collect data on employer self-funded plans.
- B) Local government:
Affected: No
There is no impact on local government because it only affects ERISA plans.
- C) Small businesses:
Affected: Yes
("small business" means a business employing fewer than 50 persons)
Small third-party administrators may experience a slight savings being that they no longer will be required to submit data to the insurance department regarding employer self-funded plans.
- 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)
There is no impact on any other persons.

Compliance Cost Information

8. Compliance costs for affected persons:
There will be a very slight reduction in compliance costs for affected persons because of minimal reporting requirements that will no longer be required.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:
The data previously collected by third-party administrators was helpful to assessing the market as a whole. However, the *Gobeille v. Liberty Mutual Insurance Company* decision rules that a state may not in any way regulate a self-funded ERISA plan.
- B) Name and title of department head commenting on the fiscal impacts:
Todd E. Kiser, 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) :

Subsection 31A-22-614.5(3)(a)

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) : 05/16/2016

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): 05/23/2016

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")):
health insurance claims reporting

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: Steve Gooch Information Specialist Date (mm/dd/yyyy): 03/18/2016