

State of Utah
Administrative Rule Analysis
Revised June 2022

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ___; Amendment _x_; Repeal ___; Repeal and Reenact ___

Title No. - Rule No. - Section No.

Rule or Section Number:

R590-283-6

Filing ID: Office Use Only

Agency Information

1. Department:	Insurance	
Agency:	Administration	
Room number:	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 persons:		
Name:	Phone:	Email:
Steve Gooch	801-957-9322	sgooch@utah.gov

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

General Information

2. Rule or section catchline:
R590-283-6. Reporting
3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):
The rule is being changed to allow insurers more time to file certain required reports, and to be consistent with other reporting dates.
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 If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):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 rule amendment changes two dates used by insurers when submitting certain required reports to the department.

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 department will still review the specified reports; it will just be done a month later.
B) Local governments:
There is no anticipated cost or savings to local governments. Local governments are not insurance companies, and so are not required to file reports with the department.
C) Small businesses ("small business" means a business employing 1-49 persons):
There is no anticipated cost or savings to any other persons. Insurers will still submit the specified reports to the department, just a month later.
D) Non-small businesses ("non-small business" means a business employing 50 or more persons):
There is no anticipated cost or savings to any other persons. Insurers will still submit the specified reports to the department, just a month later.

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. Insurers will still submit the specified reports to the department, just a month later.

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. Insurers will still submit the specified reports to the department, just a month later.

G) 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.)

Regulatory Impact Table			
Fiscal Cost	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2023	FY2024	FY2025
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

Citation Information

6. 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:

Section 31A-2-201	Section 31A-22-642	Section 31A-30-118

Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

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*):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

B) 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*):

Official Title of Materials Incorporated (from title page)	
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Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. 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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until: **04/14/2023**

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

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

9. This rule change MAY become effective on: **04/21/2023**

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

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 head or designee and title:	Steve Gooch, Public Information Officer	Date:	02/24/2023
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R590. Insurance, Administration.

R590-283. Defrayal of State-Required Benefits.

R590-283-6. Reporting.

(1) This rule incorporates by reference the Utah Health Information Network's (UHIN) "Adaptive Behavior Services/Applied Behavior Analysis (ABA) Billing Standard" version 3.1, which is available on the department's website at <https://insurance.utah.gov> or on UHIN's website at <https://uhin.org>.

(2) A carrier shall use the UHIN "Adaptive Behavior Services/Applied Behavior Analysis (ABA) Billing Standard" version 3.1 to identify and report state-required benefit claims subject to defrayal under Subsection R590-283-4(2)(c) and this section.

(3)(a) To project the state's defrayal payments, a carrier anticipating a defrayal payment shall submit to the commissioner on a quarterly basis the Mandate Defrayal Data template for the current reporting period.

(b) A report shall be filed:

(i) on or before ~~April~~ May 15 of each year for the period January 1 through March 31;

(ii) on or before August 15 of each year for the period January 1 through June 30;

(iii) on or before ~~November~~ December 15 of each year for the period January 1 through October 31;

(iv) on or before February 15 of each year for the period January 1 through December 31 of the previous year; and

(v) for the purpose of Section R590-283-4, on or before September 1 of each year for the period January 1 through December 31 of the previous year.

(4) Reports shall be submitted via the System for Electronic Rate and Form Filings, SERFF.

KEY: insurance

Date of Last Change: October 24, 2022

Authorizing, and Implemented or Interpreted Law: 31A-30-118(4)