

Stop-Loss

The following standard is provided to assist the insurer in submitting a filing. This is a brief synopsis and not intended to be all-inclusive or contain all requirements or exceptions. All references should be reviewed for compliance. References beginning with “31A” refer to Utah Code and those beginning with “R590” refer to department rules under Utah Admin Code. As required by § 31A-21-201(2), the insurer is responsible for assuring that all filings submitted are in compliance. Filings found to be out of compliance may be referred to our Market Conduct Division for review and possible action.

Filing

Subject	Citation	Description
Confidentiality / Classification of Documents	63G-2-305 R590-220-16	Information an insurer considers to be privileged, proprietary, or confidential must be submitted with a compliant protection request and identify the intended document(s).
Filing Submission	31A-1-301(68) 31A-21-201 R590-220 R590-268	An insurer is responsible for assuring a filing is compliant with Utah law. A non-compliant filing will be rejected and not considered filed with the department.
Form Number	R590-220-7(1)(b)	A form must be clearly identified by a unique form number, and the form number may not be variable.
Policy & Related Forms	31A-1-301(72) & (145) R590-220-7(3)	A policy is an enforceable contract. A policy consists of all related forms.
Variability	R590-220-6(4)(f) R590-220-7(1)	A form containing variable data must have a certification statement. Variability as a separate document must be identified by its own unique form number and edition date. Blank spaces must be completed to accurately represent the intended purpose and use.

General

Subject	Citation	Description
Age	31A-22-613	If age is used in determining a benefit, a factor affecting premium, or coverage, it must be disclosed.
Appeal / Grievance Process	31A-22-629 R590-192-8	A form must include an adverse benefit determination and grievance process that complies with the federal claims regulation.
Application	31A-21-201(3)(a)(iv) R590-220-7(2)	A policy filing must include a group application or an informational copy and reference the SERFF tracking number in the Filing Description.
Arbitration	R590-122	If included, a permissible arbitration provision must be properly disclosed and may not deprive Utah courts of jurisdiction over an action against an insurer. Permissible: -Optional binding arbitration at the exclusive election of an insured party. -Both compulsory and optional binding arbitration at the election of either the insured or the insurer. Not permissible: -Compulsory non-binding arbitration
Claim Settlement	31A-26-301 R590-192	Claims must be settled in a fair and timely manner. Interest must be paid when a claim is not addressed promptly.
Company Name & State of Domicile	31A-21-201, 301 & 311	A form must conspicuously reference the exact name of the insurer and its state of domicile; variability is not permitted.
Definitions	31A-1-301 31A-43-102	A form must comply with these definitions and others, as applicable.
Electronic Notices	31A-21-316	An electronic notification must provide consumer awareness and consent, and be filed with the department.
Endorsement or Rider	31A-21-106(2) 31A-21-302	An in-force contract may not be modified unless it is in writing and requires a signed acceptance by the policyholder. If an additional premium is charged, the premium must be disclosed in the policy or certificate.
Grace Period	31A-22-607	A policy must include a grace period.
Incontestability	31A-22-609	Only a fraudulent misstatement regarding insurability is a basis for avoidance after coverage has been in effect for two years.
Incorporation by Reference	31A-21-106 Bulletin 94-1	A form may not incorporate any provision not fully disclosed unless citing a federal or state law, rule, or public directive.
Jurisdiction	31A-21-314	A form may not contain any provision requiring it to be construed according to the laws of another jurisdiction, or deny Utah courts jurisdiction.
Limitation of Actions	31A-21-313	A form may not limit an action brought against an insurer to earlier than 60 days after proof of loss, waiver of proof of loss, or denial of payment. An insurer may not limit or restrict an action to less than three years.
Limitations or Exclusions	31A-21-201(3)	A form may not limit or exclude coverage or benefits that are in the public's interest.

Nondiscrimination Among Health Care Professionals	31A-22-618	An insurer may not unfairly discriminate against any licensed class of health care provider when the treatment is within the scope of the provider's license.
Notice and Proof of Loss	31A-21-312 R590-192-7 Bulletin 87-6	The proof of loss provision must allow the insured or claimant to file a notice or proof of loss as soon as reasonably possible.
Overpayment / Payment Recovery	31A-21-108 31A-26-301.6(14) R590-131-8(6)	Recovery of an overpayment improperly paid must be by the timeframes outlined in statute.
Physical Exam	31A-21-201(3)(a)	If an insurer requires a physical exam, the insurer must pay for the exam.
Premium Change	31A-21-106(2)(b) 31A-21-302	A change in premium is only allowable at renewal and in specific circumstances.
Return of Premium	31A-21-302 31A-21-315	An insurer must return any excess premium without being requested.

Specific-Small Employer

Subject	Citation	Description
Alignment with Health Benefit Plan	31A-43-301(1)(d)	The plan must not have an exclusion or limitation that is inconsistent with the employer's health benefit plan.
Benefit Standards	31A-43-301	A form must comply with the required standards, including a specific and aggregate attachment point. The coverage must be a minimum of a 12/24 contract term.
Lasering	31A-43-301(2) R590-268-6	A form that includes any type of lasering is prohibited.
Stop-Loss Disclosure	31A-43-303 R590-268-5	A policy must include the Utah Stop-Loss Disclosure. If the disclosure is modified, it must be filed with the department.

Rating

Subject	Citation	Description
Guaranteed Rates	31A-43-301(1)(b)	Stop-loss rates must be guaranteed for at least 12 months.
Requirements	31A-43-302 R590-268-7	A rate filing must contain: <ul style="list-style-type: none"> - the type of renewability; - current and proposed rates, including specific and aggregate attachment points; - rating methodology; - prior rate-related SERFF tracking number(s); and - other information as outlined in statute.

Reporting

Subject	Citation	Description
Annual Report(s)	31A-43-302(2) R590-268-8	The actuarial certification and experience report is due on or before April 1 and submitted in the same filing.
Plan of Orderly Withdrawal	31A-4-115	Before withdrawing from offering a line of insurance, an insurer must submit: <ul style="list-style-type: none"> - a request in writing for approval by the commissioner; - a notification of intent to the appropriate divisions; and - a copy of the above information filed in SERFF.
Withdrawal of Previous Filing(s)	R590-220-5(8)	An insurer must notify the department when they no longer offer a form, rate, or supplementary information.