

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 40. HEALTH MAINTENANCE ORGANIZATIONS (HMO)**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3.	Financial
Part 3.	Holding Company System
365:40-3-14.	Prior approval pursuant to 36 O.S. § 6903(C) [AMENDED]
Subchapter 5.	Life, Accident & Health Division and Consumer Assistance and
Claims Division Rules	
Part 1.	General Provisions
365:40-5-2.	Form filings [NEW]

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 6903(D)

DATES:

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March 8, 2010

Submitted to House of Representatives:

March 8, 2010

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Gubernatorial approval:

March 25, 2010

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Failure of the Legislature to disapprove the rules resulted in approval on April 29, 2010

Final adoption:

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Effective:

July 14, 2010

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendment to Section 365:40-3-14 requires submission of items required pursuant to 36 O.S. § 6903(C)(5) and (6) to the Rate and Form Compliance Division of the Oklahoma Insurance Department and requires an Amended Registration Statement (HMO Form B) to be filed for all items approved by the Insurance Commissioner. The amendment also provides that

approvals granted under other administrative rules of the Insurance Department will not be superseded nor transactions occurring prior to July 14, 2010.

A new Section 365:40-5-2 requires all group and individual contract forms and evidence of coverage or amendments thereto to be filed electronically for approval before use pursuant to 36 O.S. §§ 6903(C)(5) and (6) and 6908(E),(F) and (G). An appropriate fee shall accompany the filings, which must be filed with the Rate and Form Compliance Division of the Oklahoma Insurance Department.

CONTACT PERSON:

Melanie Pouncey Sullivan, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56th St., Suite 100, Oklahoma City, OK 73112, (405) 521-2749

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 14, 2010:

**SUBCHAPTER 3. FINANCIAL
PART 3. HOLDING COMPANY SYSTEM**

365:40-3-14. Prior approval pursuant to 36 O.S. § 6903(C)

(a) Pursuant to 36 O.S. § 6903(D), the prior written approval of the Insurance Commissioner shall be required for amendments or modifications to items required by 36 O.S. § 6903(C)(4), (5), (6), and (11).

(b) Requests for prior written approval required by 36 O.S. § 6903(C)(4) and (11) shall be made on HMO Form D as set forth in Appendix D of this Chapter. Pursuant to O.A.C. 365:40-3-12, an Amended Registration Statement (HMO Form B) shall be filed for all items approved by the Insurance Commissioner.

(c) Requests for prior written approval of items required by 36 O.S. § 6903(C)(5) and (6) shall be submitted to the Rate and Form Compliance Division of the Oklahoma Insurance Department. Pursuant to Section 365:40-3-12, an Amended Registration Statement (HMO Form B) shall be filed for all items approved by the Insurance Commissioner.

(d) Nothing in this section shall supersede approvals granted under other sections of this title or transactions occurring prior to July 14, 2010.

**SUBCHAPTER 5. LIFE, ACCIDENT & HEALTH DIVISION AND CONSUMER
ASSISTANCE AND CLAIMS DIVISION RULES
PART 1. GENERAL PROVISIONS**

365:40-5-2. Form filings

All group and individual contract forms, evidence of coverage or amendments thereto, shall be filed for approval before use pursuant to 36 O.S. §§ 6903(C)(5) and (6) and 6908(E),(F) and (G). The appropriate filing fee, as provided in 36 O.S. § 321, shall accompany each filing. All filings submitted pursuant to this section shall be submitted electronically to the Rate and Form Compliance Division of the Oklahoma Insurance Department.