

TITLE 365. INSURANCE DEPARTMENT
CHAPTER 45. HEALTH CARE FOR OKLAHOMANS REGULATION

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. Plan Requirements [NEW]
365: 45-1-1. Standard health benefit plan requirements [NEW]
365:45-1-2. Standard health benefit plan disclosure requirements [NEW]
Subchapter 3. Product Certification Requirements [NEW]
365:45-3-1. Certification of insurance programs for recommendation by the
Health Care for the Uninsured Board [NEW]
Subchapter 5. Producer Education Requirements [NEW]
365:45-5-1. Training and education requirements for producers to market
Health Care for the Uninsured Board (HUB) certified products [NEW]

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Insurance Commissioner, 36 O.S. §§307.1, and 4601 through 4603.

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Subchapter 1. Plan Requirements [NEW]
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n/a

ANALYSIS:

House Bill 2026 directs the Insurance Commissioner in collaboration with the Oklahoma Health Care Authority to initiate a program to encourage enrollment of individuals not covered by insurance or Medicaid in health insurance programs. This program includes the creation of a Health Care for the Uninsured Board (“HUB”). The laws enacted in House Bill 2026 direct the affected agencies to establish a system of certification for insurance programs offered to be recommended by the HUB and to provide training and education requirements for producers to market HUB-certified products.

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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 1. PLAN REQUIREMENTS

365:45-1-1. Standard health benefit plan requirements

The standard health benefit plan defined in Section 4415 of Title 36 of the Oklahoma Statutes shall:

- (1) Comply with the general rules for individual accident and sickness policies specified in OAC 365:10-5-5(b), ‘General Rules’;
- (2) Provide benefits at least equivalent to the category of coverage specified in OAC 365:10-5-5(f), ‘Major Medical Expense Coverage’; and
- (3) Be guaranteed renewable.

365:45-1-2. Standard health benefit plan disclosure requirements

A standard health benefit plan shall contain the following disclosures:

- (1) The disclosure required by Section 4415(B)(2) of Title 36 of Oklahoma Statutes shall be located on the first page of the policy or included on a notice affixed to the first page of the policy.
 - (A) The disclosure shall be printed in bold type in a font size at least two (2) points larger than the other text of the policy.
 - (B) The disclosure shall recite the statutory language verbatim.

(2) At the time of application, but not later than policy delivery, an insurer providing a standard health benefit plan shall provide the applicant or policyholder with a written disclosure statement that includes the information required by Section 4415(C) of Title 36 of the Oklahoma Statutes.

(A) An insurer shall retain a signed copy of the disclosure statement referenced in this subsection.

(B) Upon renewal of a standard health benefit plan, an insurer shall provide the disclosure statement referenced in this subsection and shall request the insured to return a signed copy to the insurer.

(C) Upon request, an insurer shall provide to the Insurance Commissioner a copy of the signed disclosure statement or evidence that the statement was provided to the insured and that the insured was requested to return a signed copy to the insurer.

SUBCHAPTER 3. PRODUCT CERTIFICATION REQUIREMENTS

365:45-3-1. Certification of insurance programs for recommendation by the Health Care for the Uninsured Board

In order to facilitate the certification of insurance programs by the Insurance Commissioner to be recommended by the Health Care for the Uninsured Board (HUB), any insurer desiring to have an insurance program certified shall submit information upon forms provided by the Insurance Commissioner.

(1) Both individual and group products may be certified.

(2) Insurance provided pursuant the Health Insurance High Risk Pool Act, Sections 6531 through 6545 of Title 36 of the Oklahoma Statutes, is deemed certified for recommendation by the HUB.

(3) Insurance for which an individual has qualified for a subsidy under the premium assistance program pursuant to the Oklahoma Medicaid Program Reform Act of 2003, Sections 1010.1 through 1010.13 of Title 56 of the Oklahoma Statutes, is deemed certified for recommendation by the HUB.

SUBCHAPTER 5. PRODUCER EDUCATION REQUIREMENTS

365:45-5-1. Training and education requirements for producers to market Health Care for the Uninsured Board (HUB) certified products

(a) Initial and renewal credentialing requirements.

(1) A producer licensed for the accident and health line of insurance may become credentialed to market HUB certified plans in accordance with Section 4602(C)(2) of Title 36 of the Oklahoma Statutes.

(2) In order to maintain credentials for the HUB program, all producers credentialed to market HUB certified health plans shall satisfactorily complete four (4) hours of HUB designated continuing education prior to each biennial license renewal period. Failure to complete the required continuing education shall result in the termination of the HUB credential of the producer.

(b) Application, qualifying examination, hours of training required.

- (1) Insurance producers who hold an active producer license for the accident and health line of insurance may apply for HUB credentialing by completing and submitting an application specified by the Insurance Commissioner.
 - (2) Insurance producers shall take a credentialing qualifying examination which will determine the number of education hours to be taken by the producer in the credentialing process.
 - (3) Qualifying examinations shall be provided at locations and times designated by the Insurance Commissioner.
 - (4) The qualifying examination shall consist of subject matter specified by the Insurance Commissioner. The examination shall be closed book meaning no computer or electronic equipment shall be used by an applicant during the exam for the purposes of seeking information to answer examination questions. Information regarding the subject matter of the exam shall be made available on the official web site of the Insurance Department.
 - (5) Any producer who scores below 85 percent (85%) on the credentialing qualifying examination shall take fourteen (14) hours of approved HUB credentialing education consisting of six (6) hours of basic credentialing education, and upon completion, take eight (8) hours of advanced credentialing education. Producers who score 85 percent (85%) or above on the qualifying examination shall be required to complete eight (8) hours of advanced credentialing education.
 - (6) The six (6) hours of basic credentialing education required by paragraph 5 of this subsection shall be taken in a single, six (6) hour course. The hours may be taken through the internet or in a classroom environment. Credentialing education taken by correspondence course shall not qualify for basic credentialing education credit.
 - (7) The eight (8) hours of advanced credentialing education required by paragraph 5 of this subsection shall be taken in a single eight (8) hour course and shall only be available in a classroom environment. Advanced credentialing education taken through the internet or by correspondence classes shall not qualify for advanced credentialing education credit.
 - (8) Outlines for the basic and advanced education courses shall be specified by the Insurance Commissioner.
 - (9) Credentialing education courses shall be subject to the continuing education course approval requirements specified in OAC 365:25-3-1(f).
 - (10) All education hours taken for the purpose of becoming credentialed to market HUB certified plans shall count toward the continuing education requirement set out in Section 1435.29 of Title 36 of the Oklahoma Statutes and OAC 365:10:25-3-1.
 - (11) All continuing education hours required by paragraph (2) of this subsection shall be completed online or through classroom environments. Correspondence courses shall not be accepted.
- (c) Education provider examination administration requirements. Individuals, providers and entities approved by the Insurance Commissioner to administer the qualifying examination shall attest that the examination was proctored and provided in a secure environment, which means that no computer or electronic equipment shall be used by an applicant during the exam for the purposes of seeking information to answer examination questions. Classroom study materials may not be used to complete the examination. Individuals, providers and entities administering

the qualifying examination shall keep a copy of the attestation for five (5) years. The attestation shall be made available to the Insurance Commissioner upon request.