

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

**RULEMAKING ACTION:**

Proposed PERMANENT Rules

**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 and 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)

**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amendment also provides that approvals granted under other administrative rules of the Insurance Department will not be superseded nor transactions occurring prior to July 14, 2010.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 365:40-5-5 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.

**SUBCHAPTER 1. GENERAL PROVISIONS  
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 AND 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.