

1 Individual Health Insurance

2  
3 836-100-0010 (T)

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5 Non-grandfathered Individual Health Insurance Enrollment Periods for Persons Under 19  
6 Years of Age

7  
8 (1) An insurer that issues a non-grandfathered individual health insurance policy subject to  
9 Sections 1201 and 10103 of the Patient Protection and Affordable Care Act, Public Law  
10 111-148, issued or renewed on or after September 23, 2010, may not limit, exclude, or deny  
11 health insurance coverage under a non-grandfathered individual health insurance policy  
12 based on health status or preexisting condition of a person under the age of 19 years.

13 (2) Except as provided in section (4) of this rule, an insurer that issues a non-grandfathered  
14 individual health insurance policy subject to Sections 1201 and 10103 of the Patient  
15 Protection and Affordable Care Act, Public Law 111-148, issued or renewed on or after  
16 September 23, 2010 that provides coverage for persons under 19 years of age, must allow a  
17 person under the age of 19 years to enroll in, as a dependent or as the primary policyholder  
18 if eligible, and obtain individual health insurance coverage during the following time  
19 periods:

20 (a) November 1, 2010 through December 31, 2010.

21 (b) The month of February each year beginning February 1, 2011.

22 (c) The month of August of each year beginning August 1, 2011.

23 (d) The 30-day period after the date the insurer receives notice of loss of other coverage if:

24 (A) Such notice is provided to the insurer no later than the 60<sup>th</sup> day after the loss of  
25 coverage;

26 (B) The loss of other coverage results from:

27 (i) Legal separation;

28 (ii) Divorce;

29 (iii) Cessation of dependent status;

30 (iv) Death of the primary policyholder; or

31 (v) Incurrence of a claim that meets or exceeds a lifetime limit on all benefits; and

32 (C) The person under 19 years of age is not eligible for group coverage.

33 (3) Health insurance coverage provided:

34 (a) Under subsection (2)(a) of this rule shall be effective January 1, 2011.

35 (b) Under subsections (2)(b) and (c) of this rule shall be effective on the first day of the  
36 month following the date the insurer receives the application and initial premium for such  
37 coverage.

38 (c) Under subsection (2)(d) of this rule must be provided under a like policy and shall be  
39 effective on the first day following the loss of coverage upon payment of the premium.

40 (d) From the moment of birth for a newly born child of the insured in accordance with  
41 ORS 743A.090.

42 (e) Upon placement for adoption for an adopted child of the insured in accordance with  
43 ORS 743.090.

44 (4) An insurer that issues a non-grandfathered individual health insurance policy subject to  
45 Sections 1201 and 10103 of the Patient Protection and Affordable Care Act, Public Law  
46 111-148:

1 (a) Need not comply with section (2) of this rule if the insurer does not condition, deny, or  
2 otherwise limit eligibility for coverage based on health status or preexisting conditions of  
3 persons under the age of 19 years of age.

4 (b) Need not comply with section (2)(a) of this rule if the insurer provided an open  
5 enrollment period of at least 30 days duration prior to the effective date of this rule during  
6 the 2010 calendar year for persons under the age of 19 applying for coverage in a health  
7 insurance policy subject to Sections 1201 and 10103 of the Patient Protection and  
8 Affordable Care Act, Public Law 111-148, issued or renewed on or after September 23,  
9 2010.

10 (c) Need not provide coverage to a person under the age of 19 years of age if the person  
11 previously had coverage with the insurer during the 12 months prior to the application for  
12 coverage and that coverage was terminated:

13 (A) For conduct that constituted the basis for a legally valid rescission;

14 (B) Except as provided in subsection (2)(d) of this rule, for failing to abide by the terms and  
15 conditions of the insurance contract, including but not limited to the failure to pay  
16 premiums in a timely manner; or

17 (C) Except as provided in subsection (2)(d) of this rule, by the policyholder.

18 (5) Except as otherwise provided in this rule, nothing in this rule requires an insurer that  
19 issues an individual health insurance policy subject to Sections 1201 and 10103 of the  
20 Patient Protection and Affordable Care Act, Public Law 111-148, to provide coverage to a  
21 person under 19 years of age as the primary policyholder.

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23 Stat. Auth.: ORS 731.244 and 743.773

24 Stats Implemented: ORS 743.731, 743.769 and 743A.090

25 Hist.:

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27 836-100-0015 (T)

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29 Notice of Enrollment Periods for Persons Under 19 Years of Age in Non-grandfathered  
30 Individual Health Insurance Policies

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32 (1) An insurer that issues a non-grandfathered health insurance policy that provides  
33 coverage to person under the age of 19 years according to OAR 836-100-0010(T) (2) must  
34 provide, at a minimum, written notice, including notice written in electronic format, of the  
35 enrollment periods listed in OAR 836-100-0010(T) (2):

36 (a) To its policyholders at least 30 days prior to but no more than 60 days prior to each  
37 enrollment period;

38 (b) To the public by prominently posting such notice on its public website at least 30 days  
39 prior to the open enrollment period through the end of the open enrollment period; and

40 (c) In pre-enrollment materials.

41 (2) An insurer that issues a non-grandfathered health insurance policy that provides  
42 coverage to a person under the age of 19 years according to OAR 836-100-0010(T) (2) must  
43 provide notice of the enrollment periods listed in OAR 836-100-0010(T) (2)(d) to persons  
44 eligible for coverage during such enrollments within five business days after the insurer  
45 learns of the person's eligibility.

1 **(3) A health insurer covering persons under the age of 19 years according to OAR 836-100-**  
2 **0010(T) (2) must implement eligibility and enrollment periods consistent with OAR 836-**  
3 **100-0010(T) (2).**

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5 Stat. Auth.: ORS 731.244 and 743.773

6 Stats Implemented: ORS 743.731, 743.769 and 743A.090

7 Hist.: