



ADMINISTRATIVE RULES OF MONTANA



6.6.5079L PREEXISTING CONDITIONS IN THE INDIVIDUAL, MARKET - DISCLOSURE

- (1) A health insurer offering individual health insurance coverage may not limit coverage for a preexisting condition except as set forth in 33-22-246, MCA, and this rule. Additionally, the following provisions prohibit or limit preexisting condition exclusions for:
 - (a) Newborns (33-22-301, MCA) ;
 - (b) Adopted children (33-22-130, MCA) ; and
 - (c) Genetic conditions (33-18-206(4) , MCA) .
- (2) For purposes of a preexisting condition exclusion, medical advice, diagnosis, care or treatment may be taken into account only if it is recommended by, or received from, an individual licensed or similarly authorized to provide such services under state law and operating within the scope of practice authorized by state law. A negative diagnosis does not constitute medical advice, diagnosis, care, or treatment for purposes of determining whether there is a preexisting condition.
- (3) A health insurance carrier may not impose a preexisting condition exclusion on a covered individual before notifying the individual, in writing, of the existence and terms of any preexisting condition exclusion and of the individual's right to demonstrate any qualifying previous coverage as provided for in 33-22-242, MCA.

Authorizing statute(s): Sec. 33-1-313 and 33-22-143, MCA

Implementing statute(s): Sec. 33-18-206(4), 33-22-130, 33-22-246, and 33-22-301, MCA

History: NEW, 1998 MAR p. 1698, Eff. 6/26/98.