6.6.5079 OPPORTUNITIES FOR INDIVIDUALS TO ENROLL IN SMALL GROUP PLANS

(1) Upon the inception of a small group health plan all eligible employees and their dependents, and thereafter all new eligible employees and their dependents, must be offered an opportunity to enroll in the plan. Any waiting period prior to enrollment may not exceed twelve months. If a small employer carrier issues more than one health benefit plan to a small employer group pursuant to ARM 6.6.5058(2) , all eligible employees must be offered the same choice of health benefit plans as the other members of the group.

(2) Except as provided in (3) , eligible employees who do not enroll during an initial enrollment opportunity as described in (1) , provided that the opportunity lasted at least 30 days, may be considered late enrollees. A carrier may not impose a preexisting condition exclusion of more than 18 months from the date of a late enrollee's application. Although 33-22-1811(3) (c) , MCA, allows a carrier to impose an 18 month period of exclusion from coverage or an 18 month preexisting condition exclusion for late enrollees, the federal Health Insurance Portability and Accountability Act of 1996 does not allow both and only authorizes a maximum 18 month preexisting condition exclusion. Therefore, late enrollees may only be subject to the 18 month preexisting condition exclusion from the date of application and a carrier must not impose unreasonable delays in issuing coverage from the date of such application.

(3) Eligible individuals who meet the requirements set forth in 33-22-140(17) (a) , (b) or (c) which provides exceptions to late enrollee status, or who qualify for a special enrollment period under 33-22-523, MCA, are not considered late enrollees. Individuals qualifying for special enrollment must be given an opportunity to enroll according to the terms of 33-22-523, MCA. Eligible individuals who are not late enrollees under the terms of 33-22-140(17) (a) , (b) or (c) , MCA, must be given opportunities to enroll as set forth in (1) , and the enrollment period must extend at least 30 days.

(4) On or before the time an employee is offered an initial opportunity to enroll in a group health plan, the plan is required to provide the employee with a description, as set forth in ARM 6.6.50791(3) of the plan's special enrollment rules. Additionally, the plan shall provide at the same time a description of opportunities to enroll under 33-22-140(17) (a) , (b) or (c) , MCA, and as a late enrollee.

Authorizing statute(s): Sec. 33-22-143 and 33-22-1822, MCA

Implementing statute(s): Sec. 33-22-140, 33-22-523, 33-22-526, and 33-22-1811, MCA

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