

ENROLLED SENATE  
BILL NO. 445

By: Campbell and Monson of the  
Senate

and

Worthen of the House

An Act relating to group health insurance; amending Section 3, Chapter 304, O.S.L. 1992, as amended by Section 1, Chapter 76, O.S.L. 1993 (36 O.S. Supp. 1994, Section 4509.2), which relates to portability of insurance coverage; requiring carrier of an employer to accept employee and dependents if previously covered under group plan of an employer if there is no lapse in coverage; providing different application time period for persons electing coverage authorized by federal law; conforming and clarifying language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 304, O.S.L. 1992, as amended by Section 1, Chapter 76, O.S.L. 1993 (36 O.S. Supp. 1994, Section 4509.2), is amended to read as follows:

Section 4509.2 A. When an individual who was covered as an employee or dependent under a group health insurance plan provided through an employer gains employment with an employer who provides for health insurance through a group plan, the carrier of the succeeding employer shall accept the individual and dependents of the individual who were covered under the group plan of an employer and shall not apply preexisting conditions limitations or exclusions of preexisting conditions or apply waiting period requirements for the individual employee or dependents of the employee beyond the time when any surviving exclusion or waiting period with the prior carrier would have been fulfilled. Provided, however, the individual employee must apply for the new coverage for the employee and any dependents desiring coverage within thirty-one (31) days following the date of eligibility for participation in the plan in accordance with the employment or personnel policies of the employer for participation or prior to termination of coverage elected

pursuant to the provisions of the Combined Omnibus Budget Reconciliation Act (COBRA), 26 U.S.C. Section 4980B(f), whichever comes later.

B. When there is a lapse in the coverage of the individual employee or a dependent of the individual employee provided for by subsection A of this section for any reason other than a probationary period or similar waiting period imposed by the employment or personnel policies of an employer, the provisions of subsection A of this section shall not apply to the person whose coverage lapsed.

SECTION 2. This act shall become effective November 1, 1995.