

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 HOUSE BILL 3282

By: Mulready

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6 AS INTRODUCED

7 An Act relating to insurance; amending 36 O.S. 2011,
8 Section 4509.2, which relates to group and blanket
9 accident and health insurance; deleting requirement
10 to advise certain applicant of the high risk pool;
11 repealing 36 O.S. 2011, Sections 6531, 6532, 6533,
6534, 6535, 6536, 6537, 6538, 6538.1, 6539, 6540,
6541, 6542, 6543, 6544 and 6545, which relate to the
Health Insurance High Risk Pool Act; and providing an
effective date.

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

15 SECTION 1. AMENDATORY 36 O.S. 2011, Section 4509.2, is
16 amended to read as follows:

17 Section 4509.2 A. When an insured individual or a dependent
18 who was covered by group insurance pursuant to the provisions of the
19 Health Insurance Portability and Accountability Act of 1996, 29
20 U.S.C.A., Section 1181 et seq., gains employment with an employer
21 who provides for health insurance through a group plan, the
22 succeeding group carrier shall accept the insured individual and
23 dependents of the insured individual who were covered under the
24 prior coverage and shall not apply limitations or exclusions based

1 on preexisting conditions or apply waiting-period requirements for
2 the insured individual or the dependents of the insured individual
3 beyond the time when any surviving exclusion or waiting period with
4 the prior carrier would have been fulfilled. The insured individual
5 and any dependents of such individual must apply for the new
6 coverage within sixty-three (63) days following the date of
7 termination of prior creditable coverage.

8 B. When an insured individual or dependent who was covered by
9 individual insurance pursuant to the provisions of the Health
10 Insurance Portability and Accountability Act of 1996, 29 U.S.C.A.,
11 Section 1181 et seq., gains employment with an employer who provides
12 for health insurance through a group plan, the succeeding group
13 carrier shall accept the insured individual and dependents of the
14 insured individual who were covered under the prior coverage and
15 shall not apply limitations or exclusions based on preexisting
16 conditions or apply waiting-period requirements for the insured
17 individual or the dependents of the insured individual beyond the
18 time when any surviving exclusion or waiting period with the prior
19 carrier would have been fulfilled. The insured individual and any
20 dependents of such individual must apply for the new coverage within
21 sixty-three (63) days following the date of termination of prior
22 creditable coverage.

23 C. Insurance carriers receiving an application for individual
24 insurance may underwrite the risk or decline coverage based on the

1 underwriting guidelines of the insurance carrier. ~~Upon denial of~~
2 ~~coverage, insurance carriers shall advise the applicant of the~~
3 ~~existence of, and how to apply for coverage under, the Health~~
4 ~~Insurance High Risk Pool.~~

5 D. When there is a lapse in the coverage of the insured
6 individual or a dependent of the insured individual provided for by
7 subsections A, B, and C of this section for any reason other than a
8 probationary period or similar waiting period imposed pursuant to
9 personnel policies of an employer, the provisions of subsections A,
10 B, and C of this section shall not apply to the person whose
11 coverage lapsed.

12 E. When an individual employee who was covered under a group
13 health insurance plan terminates employment with an employer and
14 gains employment with another employer who provides for health
15 insurance through a group plan, the carrier of the succeeding
16 employer shall not apply preexisting conditions limitations or
17 exclusions of preexisting conditions or apply waiting-period
18 requirements for the individual employee or his dependents covered
19 under the group plan of the previous employer beyond the time when
20 any surviving exclusion or waiting period with the prior carrier
21 would have been fulfilled, provided the individual employee applies
22 for the new coverage within thirty-one (31) days following the date
23 of eligibility for participation in the plan in accordance with the
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1 employment or personnel policies of the employer of such
2 participation.

3 F. When there is a lapse in the coverage of the individual
4 employee provided for by subsection E of this section for any reason
5 other than a probationary period or similar waiting period imposed
6 by the employment or personnel policies of the employer, the
7 provisions of subsection E of this section shall not apply.

8 SECTION 2. REPEALER 36 O.S. 2011, Sections 6531, 6532,
9 6533, 6534, 6535, 6536, 6537, 6538, 6538.1, 6539, 6540, 6541, 6542,
10 6543, 6544 and 6545, are hereby repealed.

11 SECTION 3. This act shall become effective November 1, 2014.

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13 54-2-9285 AMM 01/13/14

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