

PROJECT HISTORY - 2002

NONDISCRIMINATION IN HEALTH INSURANCE COVERAGE IN THE GROUP MARKET MODEL REGULATION (#107)

1. Description of the project, issues addressed, etc.

The Nondiscrimination in Health Insurance Coverage in the Group Market Model Regulation incorporates requirements set forth in an interim final rule issued by the three federal agencies charged with administering the provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This regulation prohibits group health carriers from discriminating against individual participants or beneficiaries based on any health factor. This regulation will apply to any health carrier that provides health insurance coverage in the group market.

2. Name of group responsible for draft the model:

Regulatory Framework (B) Task Force

States Participating:

| | |
|------------------|----------------|
| Wisconsin, Chair | Mississippi |
| Arizona | Montana |
| Arkansas | New Hampshire |
| Arizona | New Mexico |
| California | North Carolina |
| Delaware | Ohio |
| Florida | Oklahoma |
| Hawaii | Oregon |
| Idaho | Pennsylvania |
| Indiana | South Dakota |
| Kansas | Vermont |
| Maryland | Virginia |
| | Washington |

3. Project authorized by what charge and date first given to the group:

The following charge was given to the Regulatory Framework (B) Task Force in 1999:

Consider the revision of NAIC model laws and regulations affected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and final federal regulations promulgated pursuant to HIPAA to comport with the requirements of HIPAA and final federal regulations.

4. A general description of the drafting process (e.g., drafted by a subgroup, interested parties, the full group, etc). Include any parties outside the members that participated.

The proposed model regulation was drafted by the task force. Numerous interested parties participated, including insurance industry representatives, such as the American Association of Health Plans (AAHP), the Health Insurance Association of America (HIAA), and the BlueCross BlueShield Association (BCBSA); and representatives of key federal agencies, the Department of Labor (DOL) and the Health Care Financing Administration (HCFA).

5. A general description of the due process (e.g., exposure periods, public hearings, or any other means by which widespread input from industry, consumers and legislators was solicited).

Beginning with the 2001 NAIC Summer National Meeting, drafts of the proposed model regulation were reviewed and discussed at each National Meeting. Comments were requested and were received and considered throughout the drafting process. In addition, all of the drafts of the proposed model regulation were posted on the NAIC web site.

6. A discussion of the significant issues (items of some controversy) raised during the drafting process and the group's response.

There were no significant issues raised during the drafting process.