21.0013.01000

Sixty-seventh
Legislative Assembly
of North Dakota

FIRST DRAFT:
Prepared by the Legislative Council staff for the
Health Care Committee
September 2019

Introduced by

A BILL for an Act to create and enact section 26.1-36.4-03.2 of the North Dakota Century Code, relating to individual health plan guaranteed issue; and to amend and reenact section 26.1-36.4-02 of the North Dakota Century Code, relating to health insurance definitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-36.4-02 of the North Dakota Century Code is amended and reenacted as follows:

26.1-36.4-02. Definitions.

As used in this chapter, the definitions in section 26.1-36.3-01 apply, unless the context otherwise requires. In addition:

1. "Guaranteed issue" means an individual health plan is guaranteed to be issued to an applicant regardless of health status, age, or income.
2. "Guaranteed availability" means an individual health plan is guaranteed to be available to an applicant regardless of health status, age, or income.
3. "Individual health plan" has the same meaning as provided under section 26.1-36-02.2.
4. "Insurer" means ~~any~~an insurance company, nonprofit health service organization, fraternal benefit society, or health maintenance organization that provides a plan of health insurance or health benefits subject to state insurance regulation.

~~2.~~5. "Policy" means ~~any~~a health benefit plan as defined in section 26.1-36.3-01, whether offered on a group or individual basis. The term does not include a short-term limited-duration health insurance ~~plans~~plan offered in the individual market.

~~3.~~6. "Short-term limited-duration health insurance plan", except as required by the Health Insurance Portability and Accountability Act of 1996, ~~is defined by~~has the same meaning as provided under section 26.1-36-49.

SECTION 2. Section 26.1-36.4-03.2 of the North Dakota Century Code is created and enacted as follows:

26.1-36.4-03.2. Individual health plan - Guaranteed issue - Guaranteed availability.

1. An insurer that offers an individual health plan shall offer that individual health plan to all applicants as guaranteed availability and guaranteed issue.
2. An individual health plan may not include a pre-existing condition exclusion for a condition for which a medical diagnosis or medical care was recommended or provided before the effective date of the policy.