

§2834-B. Dependent special enrollment period

1. Application. This section applies to all group and blanket medical insurance policies issued by nonprofit hospital or medical service organizations, insurers or health maintenance organizations except hospital indemnity, specified accident, specified disease and long-term care policies. [PL 1997, c. 445, §19 (NEW); PL 1997, c. 445, §32 (AFF).]

2. Definition. For purposes of this section, an "eligible individual" is a person who is a certificate holder under the policy or who has met any waiting period applicable to becoming a certificate holder and is eligible to be enrolled under the policy but for a failure to enroll during a previous enrollment period. [PL 1997, c. 445, §19 (NEW); PL 1997, c. 445, §32 (AFF).]

3. Requirement. If a policy makes coverage available with respect to dependents of certificate holders, the policy must provide for a dependent special enrollment period when a person becomes a dependent of an eligible individual through marriage, birth or adoption or placement for adoption, if a court order is issued changing custody of a child or if a dependent who has other coverage loses eligibility under that coverage. During this period, the dependent may be enrolled under the plan as a dependent of the eligible individual and, in the case of the birth or adoption of a child, the spouse of the eligible individual may be enrolled as a dependent if otherwise eligible for coverage. If the eligible individual is not already enrolled or is enrolled in a different benefit package, the individual may enroll during this period. [PL 2007, c. 199, Pt. A, §1 (AMD).]

4. Length of period. A dependent special enrollment period under this section must be a period of not less than 30 days and must begin on the latest of:

A. The date dependent coverage is made available; [PL 2007, c. 199, Pt. A, §2 (AMD).]

B. The date of the marriage, birth or adoption or placement for adoption or the date of the court order; and [PL 2007, c. 199, Pt. A, §2 (AMD).]

C. The date a dependent loses other coverage. [PL 2007, c. 199, Pt. A, §2 (NEW).]
[PL 2007, c. 199, Pt. A, §2 (AMD).]

5. No waiting period. If an individual seeks to enroll a dependent during the first 30 days of a dependent special enrollment period, the coverage of the dependent becomes effective:

A. In the case of marriage, no later than the first day of the first month beginning after the date the completed request for enrollment is received; [PL 1997, c. 445, §19 (NEW); PL 1997, c. 445, §32 (AFF).]

B. In the case of a dependent's birth, as of the date of the birth; [PL 1999, c. 256, Pt. B, §3 (AMD).]

C. In the case of a dependent's adoption or placement for adoption, as of the date of the adoption or placement for adoption; [PL 2007, c. 199, Pt. A, §3 (AMD).]

D. In the case of a court order changing custody of a child, as of the date of the order; or [PL 2007, c. 199, Pt. A, §3 (AMD).]

E. In the case of a dependent who loses other coverage, as of the date of application for enrollment. [PL 2007, c. 199, Pt. A, §3 (NEW).]
[PL 2007, c. 199, Pt. A, §3 (AMD).]

SECTION HISTORY

PL 1997, c. 445, §19 (NEW). PL 1997, c. 445, §32 (AFF). PL 1999, c. 256, §§B1-4 (AMD). PL 2007, c. 199, Pt. A, §§1-3 (AMD).

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