

**§3959. Designation for reinsurance**

**1. Designation.** The association shall provide reinsurance to a member insurer for a person designated for reinsurance by a member insurer, if the designation was made:

A. By using the person's claims history or risk scores or any other reasonable means; [PL 2019, c. 653, Pt. B, §19 (AMD).]

B. As a mandatory designation pursuant to subsection 2 on the basis of the existence or history of any medical or health condition on the list developed by the board pursuant to subsection 2; or [PL 2011, c. 621, §6 (NEW).]

C. On the basis of an omission of material information from the health statement developed by the board pursuant to section 3955, subsection 1, paragraph E or misrepresentation of the person's health status on the health statement. [PL 2011, c. 621, §6 (NEW).]  
[PL 2019, c. 653, Pt. B, §19 (AMD).]

**2. Mandatory designation.** The board shall develop a list of medical or health conditions for which a person must be designated for reinsurance by a member insurer. If a person's health statement, claims history or risk scores demonstrate the existence or history of any medical or health conditions on the list developed by the board at the time the plan is issued or when the person is added to the plan, the member insurer shall designate the person for reinsurance. The board may amend the list from time to time as appropriate.  
[PL 2011, c. 621, §6 (AMD).]

**3. Enrolling additional persons.** A member insurer may designate a person for reinsurance pursuant to this section when the person is added to an individual health plan.  
[PL 2011, c. 621, §6 (NEW).]

**4. Designation effective date and premium.** The designation of a person for reinsurance is effective as of the effective date of the primary coverage provided by the member insurer, except that the earliest effective date for any reinsurance is July 1, 2012. A member insurer's premium for reinsurance begins to accrue as of the effective date of the designation.  
[PL 2011, c. 621, §6 (NEW).]

**5. Inapplicability.** This section does not apply to reinsurance with respect to any calendar year for which the association operates a retrospective reinsurance program under section 3958, subsection 1, paragraph A-1.  
[PL 2019, c. 653, Pt. B, §20 (NEW).]

**SECTION HISTORY**

PL 2011, c. 90, Pt. B, §8 (NEW). PL 2011, c. 621, §6 (AMD). PL 2019, c. 653, Pt. B, §§19, 20 (AMD).

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