

304.38-050 Evidence of coverages and charges for health care service -- Exception.

- (1) No health maintenance organization shall deliver or issue for delivery in this state any contract describing health benefits available, or any endorsement, rider, or application which becomes a part thereof, or any amendments thereto or modifications thereof, or the schedule of fees or other periodic charges to be paid by enrollees, until a copy of the form has been filed with and approved by the commissioner. Each form shall contain a complete and clear statement of:
 - (a) The health care services to which the enrollee is entitled;
 - (b) Any limitations on the services, kind of services, or benefits to be provided, including any deductible or copayment feature;
 - (c) Where and in what manner information is available as to how services may be obtained; and
 - (d) Any other provisions pertaining to the delivery of health care services.

Any schedule of fees or other periodic charges to be paid by enrollees submitted to and filed with the commissioner along with adequate supporting information to show that the charges or fees are not excessive, inadequate, or unfairly discriminatory.

- (2) At the expiration of sixty (60) days, the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the commissioner, or a hearing has been scheduled by order of the commissioner. In the event that a hearing is held, the sixty (60) day waiting period shall begin anew after the close of the hearing. Approval of the form by the commissioner shall constitute a waiver of any unexpired portion of the waiting period. The commissioner may extend by not more than an additional thirty (30) day period within which he or she may affirmatively approve or disapprove the form by giving notice to the insurer of the extension before expiration of the initial sixty (60) day period. At the expiration of the period as so extended, and in the absence of the prior affirmative approval or disapproval, the form shall be deemed approved. The commissioner may at any time withdraw the approval.
- (3) This section shall not apply to rate filings made under Subtitle 17A of this chapter.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1501, effective July 15, 2010. -- Amended 1998 Ky. Acts ch. 496, sec. 52, effective April 10, 1998. -- Amended 1994 Ky. Acts ch. 93, sec. 18, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 320, sec. 39, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 357, subtit. 38, sec. 5, effective June 21, 1974.