

HOUSE BILL NO. 1168
with Senate Amendments
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Sixty-third
Legislative Assembly
of North Dakota

Introduced by

Representative Keiser

Senator Klein

1 A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota
2 Century Code, relating to health insurance enrollment periods in the individual market; and to
3 declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Individual health plans - Open enrollment periods - Rules.**

8 1. As used in this section:

- 9 a. "Adverse selection" occurs when an individual who experiences greater than
10 average health risks seeks to purchase an individual health plan.
- 11 b. "Annual open enrollment period" means a period each year during which an
12 individual may enroll or change coverage in an individual health plan that is not
13 sold through a health benefit exchange.
- 14 c. "Health benefit exchange" means a governmental agency or nonprofit entity that:
15 (1) Meets the applicable requirements of the federal Patient Protection and
16 Affordable Care Act [Pub. L. 111-148] and the provisions of the Health Care
17 and Education Reconciliation Act of 2010 [Pub. L. 111-152]; and
18 (2) Makes qualified health plans available to qualified individuals and qualified
19 employers through a state health benefit exchange, regional health benefit
20 exchange, subsidiary health benefit exchange, or a federally facilitated
21 health benefit exchange.
- 22 d. "Individual health plan" means health insurance coverage offered to individuals,
23 other than in connection with a group health plan. The term does not include
24 limited scope dental or vision benefits, coverage only for specified disease or

- 1 illness, hospital indemnity or other fixed indemnity insurance, or other similar
2 limited benefit health plans.
- 3 e. "Initial enrollment period" means a period during which an individual may enroll in
4 individual health plan coverage sold outside a health benefit exchange for
5 coverage during the 2014 benefit year.
- 6 f. "Special enrollment period" means a period that is outside of the initial and
7 annual open enrollment periods, during which an individual or enrollee who
8 experiences certain qualifying events may enroll in or change enrollment in an
9 individual health plan not sold through a health benefit exchange.
- 10 2. The commissioner may adopt rules reasonably necessary to mitigate adverse
11 selection or other undesirable market effect among individual health plans sold inside
12 and among individual health plans sold outside a health benefit exchange. The rules
13 may contain:
- 14 a. Requirements for the initial enrollment period;
15 b. Requirements for an annual open enrollment period;
16 c. Requirements for a special enrollment period;
17 d. Requirements for an individual who purchases individual health plan coverage
18 during a special enrollment period; and
19 e. Any other provision reasonably required to mitigate adverse selection or other
20 undesirable market effect in individual health plans sold inside or outside a health
21 benefit exchange.

22 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.