



North Dakota  
Insurance Department

Adam Hamm, Commissioner

**BULLETIN 2015-3**

TO: Companies Issuing Health Benefit Plans in North Dakota  
FROM: Adam Hamm, Commissioner  
DATE: October 27, 2015  
SUBJECT: Small Group Definition for Health Benefit Plans

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This bulletin provides guidance on the definition of a small employer for insurance companies issuing health benefit plans as defined by N.D.C.C. § 26.1-36.3-01(17).

In accordance with the small employer definition under Section 1304(b) of the Patient Protection and Affordable Care Act (PPACA) and the recently enacted Protecting Affordable Coverage for Employees (PACE) Act, the North Dakota Insurance Department (Department) will utilize the following definition of small employers when determining the appropriate plans to be issued by insurance companies.

“Small employer” means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 1 but not more than 50 employees on business days during the preceding calendar year and who employs at least 1 employee on the first day of the plan year.

The Department recognizes these changes may have an impact on the recently approved 2016 rates. Therefore, insurance companies may submit small group rate modifications. The Department is only allowing adjustments to the trend beginning in the second quarter. Due to technical restraints in the federal system, the rate modifications are not permitted for the first quarter of 2016.

Any new filings must be submitted via the State Electronic Rate and Form Filing (SERFF) system no later than December 1 and will be approved or denied following the standard Department process.

Contact Product Filing Division Director Chrystal Bartuska at [cabartuska@nd.gov](mailto:cabartuska@nd.gov) or 701.328.2441 with any questions.

AH/njb