



DEPARTMENT OF INSURANCE
STATE OF NORTH DAKOTA

Glenn Pomeroy
Commissioner of Insurance

BULLETIN 99-5

TO: All Carriers Writing Major Medical, Medical, and Hospital-Surgical Business in North Dakota

FROM: Glenn Pomeroy, Commissioner 

DATE: November 30, 1999

SUBJECT: Certificates of Creditable Coverage

The Department continues to hear reports that carriers are not providing insureds with Certificates of Creditable Coverage in accordance with the Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191] and as required by N.D. Admin. Code Chapter 45-06-11. Certificates must be provided upon termination of the coverage for group and individual business and the certificate must contain all of the information as specified in N.D. Admin. Code §§ 45-06-11-03(2)(d) and 45-06-11-04(7). To verify compliance, we are requiring each carrier to file the required certificate form by December 10, 1999, for our review. Failure to file within the deadline will indicate that the carrier is not in compliance.

In 1998, the President signed an executive memorandum instructing the Office of Personnel Management to take appropriate action if health plans are engaging in insurance practices that are inconsistent with HIPAA. This Department takes the failure to provide Certificates of Creditable Coverage as a serious practice inconsistent with state law and the spirit of HIPAA. This Department will take appropriate action against carriers who fail to file their Certificates of Creditable Coverage. Should any carrier fail to provide Certificates of Creditable Coverage, it will be reported to HCFA for the appropriate action as contemplated under President Clinton's Executive Order.

The certificate form filing should be directed to Beth Allen at the Department and must include the required transmittal form. These forms will be treated like a regular form filing. They will be reviewed and processed within 60 days of receipt.

GP/njb