North Dakota
Insurance Department
Adam W. Hamm, Commissioner

BULLETIN 2011-3

TO: All Health Insurers

FROM: Adam Hamm, Commissioner

DATE: December 6, 2011

SUBJECT: Dependent Coverage to Age 26 Under State Law and Federal Law

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Under the federal law known as the Patient Protection and Affordable Care Act (PPACA), health plans that provide dependent coverage must extend coverage to adult children up to age 26.

Insurers are reminded, however, that PPACA does not supersede North Dakota insurance law, N.D.C.C. § 26.1-36-22, which requires most health insurance policies to provide coverage to certain adult children up to 26 years of age regardless of whether the adult child has employer-sponsored coverage. State law also requires coverage of dependents of dependents and of certain adult children of any age who are disabled. Insurers must be aware that a young adult may not qualify for dependent coverage under the federal law, but could qualify under the more generous state law.

If you have questions regarding this bulletin, please contact Cydra Sauter at the North Dakota Insurance Department at (701) 328-2440.

AH/njb

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