

State of Idaho
DEPARTMENT OF INSURANCE

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DEAN L. CAMERON
Director

BULLETIN NO. 20-01

DATE: April 6, 2020
TO: All Health Insurance Companies
FROM: Dean L. Cameron, Director
SUBJECT: Waivers of Certain Requirements To Address COVID-19

This Bulletin applies to health insurance carriers offering individual or employer sponsored group major medical health insurance policies covered by the Title 41, chapters 22, 47, or 52, Idaho Code.

The COVID-19 pandemic has created unprecedented challenges for individuals and employers. In order to minimize the potential loss of coverage for individuals and employees of group plans sponsored by employers, carriers have requested, and the Department has granted regulatory flexibility in certain areas.

On March 13, 2020, Governor Little signed a proclamation declaring a state of emergency in Idaho due to the coronavirus pandemic, which states in part:

State agencies and departments are directed to utilize state resources and to do everything reasonably possible to assist affected political subdivisions in an effort to respond to and recover from the 2019 novel coronavirus (COVID-19).

State licensing agencies and departments are authorized to temporarily exercise enforcement discretion, implement temporary rules, and waive licensing and related requirements to maximize access to health care services and provider support in response to COVID-19.

The emergency proclamation has the force and effect of law. Idaho Code section 46-1008. The Department finds that waiver of certain requirements placed on health insurance carriers regarding their individual health insurance or employer sponsored health insurance policies will maximize healthcare access and assist the State of Idaho in its response efforts, by stabilizing the availability of health insurance, thereby potentially alleviating subsequent demand on the healthcare system and responders.

Therefore, pursuant to authority in Idaho Code section 41-210(2) and 41-210(5), the Department hereby notifies health insurance carriers that the Department encourages such carriers to submit

for the Director's consideration specific proposals designed to retain coverage for individuals and/or employees by waiving certain statutory requirements or not enforcing certain contractual provisions in filed forms, including but not limited to:

- Extensions of grace periods for payment of premiums for individual policies;
- Work requirements of Idaho Code section 41-4703(13);
- Allowing employees who are furloughed or have reduced hours due to the impacts of COVID-19 to retain coverage, if there is a reasonable expectation that the employee will return to work upon the expiration of this crisis;
- Allowing employees who are laid off due to the impacts of COVID-19 to retain coverage, including through COBRA, and allowing carriers or agents to proactively explain alternatives to the affected employees;
- Waiver of probationary periods for employees who were laid off due to COVID-19, but subsequently re-hired; and
- Employer "Premium holidays" or refunds for services that could not be provided due to COVID-19.

It is the Department's intent to not enforce any otherwise applicable provisions of law and rule, and to allow carrier deviation from contractual language, so long as:

- 1) the carrier justifies such proposals as increasing access to health insurance coverage during the emergency declaration period;
- 2) such actions are applied uniformly and without prejudice, to all similarly-affected individuals or employer groups; and
- 3) the carrier has notified the Director in writing of their specific changes and justifications.

The Department requests that carriers submit their intentions, changes, and justifications, to: Weston Trexler at Weston.Trexler@doi.idaho.gov.

This Bulletin will remain in effect so long as the Governor's emergency proclamation remains in effect, including extensions and renewals.