

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0236

SENATE BILL NO. 9

Introduced by: The Committee on Health and Human Services at the request of the Bureau
of Personnel

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding eligibility
2 requirements for the state risk pool.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-17-85 be amended to read as follows:

5 58-17-85. If a person has an aggregate of at least twelve months of creditable coverage, is
6 a resident of this state, and applies within sixty-three days of the date of losing prior creditable
7 coverage, the person is eligible for coverage as provided for in §§ 58-17-68, 58-17-70, 58-17-
8 85, and 58-17-113 to 58-17-142, inclusive, if none of the following apply:

- 9 (1) The applicant is eligible for continuation of coverage under an employer plan;
- 10 (2) The person is eligible for an employer group plan, Part A or Part B of medicare, or
11 medicaid;
- 12 (3) The person has other health insurance coverage;
- 13 (4) The person's most recent coverage was terminated because of the person's
14 nonpayment of premium or fraud;
- 15 (5) The person loses coverage under a short term or limited duration plan; or



1 (6) The person's last coverage was creditable coverage as defined in subdivision 58-17-
2 69(13) or a federal preexisting condition insurance plan.

3 Any person who has exhausted continuation rights and who is eligible for conversion or
4 other individual or association coverage has the option of obtaining coverage pursuant to this
5 section or the conversion plan or other coverage. If a person chooses conversion coverage, other
6 than pursuant to § 58-17-74, in lieu of coverage pursuant to this section and the person later
7 exhausts the lifetime maximum of the conversion coverage, the person may obtain coverage
8 pursuant to this section as long as the person continues to satisfy the criteria of this section. A
9 person who is otherwise eligible for the issuance of coverage pursuant to this section may not
10 be required to show proof that coverage was denied by another carrier.

11 For purposes of this section, reasonable evidence that the prospective enrollee is a resident
12 of this state shall be required. Factors that may be considered include a driver's license, voter
13 registration, and where the prospective enrollee resides.

14 Any person who was eligible for the risk pool and opted for coverage pursuant to § 58-17-74
15 may, at any time while covered under that policy or within sixty-three days of terminating that
16 coverage, elect to enroll in the risk pool.