

AN ACT

ENTITLED, An Act to revise certain provisions regarding eligibility requirements for the state risk pool.

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

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

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

- (1) The applicant is eligible for continuation of coverage under an employer plan;
- (2) The person is eligible for an employer group plan, Part A or Part B of medicare, or medicaid;
- (3) The person has other health insurance coverage;
- (4) The person's most recent coverage was terminated because of the person's nonpayment of premium or fraud;
- (5) The person loses coverage under a short term or limited duration plan; or
- (6) The person's last coverage was creditable coverage as defined in subdivision 58-17-69(13) or a federal preexisting condition insurance plan.

Any person who has exhausted continuation rights and who is eligible for conversion or other individual or association coverage has the option of obtaining coverage pursuant to this section or the conversion plan or other coverage. If a person chooses conversion coverage, other than pursuant to § 58-17-74, in lieu of coverage pursuant to this section and the person later exhausts the lifetime maximum of the conversion coverage, the person may obtain coverage pursuant to this section as long as the person continues to satisfy the criteria of this section. A person who is otherwise eligible

for the issuance of coverage pursuant to this section may not be required to show proof that coverage was denied by another carrier.

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

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

An Act to revise certain provisions regarding eligibility requirements for the state risk pool.

I certify that the attached Act
originated in the

SENATE as Bill No. 9

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 9
File No. _____
Chapter No. _____

Received at this Executive Office
this ____ day of _____ ,

20__ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

STATE OF SOUTH DAKOTA,
SS.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State