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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2251

- 02/15/2012 Authored by Anderson, D.; Gottwalt; Abeler and Hoppe
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
- 02/29/2012 Adoption of Report: Pass and re-referred to the Committee on Commerce and Regulatory Reform
- 03/08/2012 Adoption of Report: Pass and re-referred to the Committee on Health and Human Services Finance

1.1 A bill for an act
 1.2 relating to insurance; shifting regulatory authority over health maintenance
 1.3 organizations from the commissioner of health to the commissioner of commerce;
 1.4 amending Minnesota Statutes 2010, sections 62D.02, subdivision 3; 62D.05,
 1.5 subdivision 6; 62D.12, subdivision 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2010, section 62D.02, subdivision 3, is amended to read:

1.8 Subd. 3. **Commissioner of ~~health~~ commerce or commissioner.** "Commissioner of
 1.9 ~~health~~ commerce" or "commissioner" means the state commissioner of ~~health~~ commerce
 1.10 or a designee.

1.11 Sec. 2. Minnesota Statutes 2010, section 62D.05, subdivision 6, is amended to read:

1.12 Subd. 6. **Supplemental benefits.** (a) A health maintenance organization may, as
 1.13 a supplemental benefit, provide coverage to its enrollees for health care services and
 1.14 supplies received from providers who are not employed by, under contract with, or
 1.15 otherwise affiliated with the health maintenance organization. Supplemental benefits may
 1.16 be provided if the following conditions are met:

1.17 (1) a health maintenance organization desiring to offer supplemental benefits must at
 1.18 all times comply with the requirements of sections 62D.041 and 62D.042;

1.19 (2) a health maintenance organization offering supplemental benefits must maintain
 1.20 an additional surplus in the first year supplemental benefits are offered equal to the
 1.21 lesser of \$500,000 or 33 percent of the supplemental benefit expenses. At the end of
 1.22 the second year supplemental benefits are offered, the health maintenance organization
 1.23 must maintain an additional surplus equal to the lesser of \$1,000,000 or 33 percent of the
 1.24 supplemental benefit expenses. At the end of the third year benefits are offered and every

2.1 year after that, the health maintenance organization must maintain an additional surplus
 2.2 equal to the greater of \$1,000,000 or 33 percent of the supplemental benefit expenses.
 2.3 When in the judgment of the commissioner the health maintenance organization's surplus
 2.4 is inadequate, the commissioner may require the health maintenance organization to
 2.5 maintain additional surplus;

2.6 (3) claims relating to supplemental benefits must be processed in accordance with
 2.7 the requirements of section 72A.201; and

2.8 (4) in marketing supplemental benefits, the health maintenance organization shall
 2.9 fully disclose and describe to enrollees and potential enrollees the nature and extent of the
 2.10 supplemental coverage, and any claims filing and other administrative responsibilities in
 2.11 regard to supplemental benefits.

2.12 (b) The commissioner may, pursuant to chapter 14, adopt, enforce, and administer
 2.13 rules relating to this subdivision, including: rules insuring that these benefits are
 2.14 supplementary and not substitutes for comprehensive health maintenance services by
 2.15 addressing percentage of out-of-plan coverage; rules relating to the establishment of
 2.16 necessary financial reserves; rules relating to marketing practices; and other rules necessary
 2.17 for the effective and efficient administration of this subdivision. ~~The commissioner, in~~
 2.18 ~~adopting rules, shall give consideration to existing laws and rules administered and~~
 2.19 ~~enforced by the Department of Commerce relating to health insurance plans.~~

2.20 Sec. 3. Minnesota Statutes 2010, section 62D.12, subdivision 1, is amended to read:

2.21 Subdivision 1. **False representations.** No health maintenance organization or
 2.22 representative thereof may cause or knowingly permit the use of advertising or solicitation
 2.23 which is untrue or misleading, or any form of evidence of coverage which is deceptive.
 2.24 Each health maintenance organization shall be subject to sections 72A.17 to 72A.32,
 2.25 relating to the regulation of trade practices, except ~~(a)~~ to the extent that the nature of a
 2.26 health maintenance organization renders such sections clearly inappropriate ~~and (b) that~~
 2.27 ~~enforcement shall be by the commissioner of health and not by the commissioner of~~
 2.28 ~~commerce.~~ Every health maintenance organization shall be subject to sections 8.31 and
 2.29 325F.69.

2.30 Sec. 4. **REVISOR'S INSTRUCTION.**

2.31 The revisor of statutes shall, in conforming with section 1, change the terms
 2.32 "commissioner of health" or similar term to "commissioner of commerce" or similar term
 2.33 and "department of health" or similar term to "department of commerce" or similar term in
 2.34 each place it occurs in Minnesota Statutes, chapter 62D.

3.1 Sec. 5. **EFFECTIVE DATE.**

3.2 Sections 1 to 4 are effective August 1, 2012.