

CHAPTER 2730

DEPARTMENT OF COMMERCE

HEALTH MAINTENANCE ORGANIZATIONS

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2730.0200 AUTHORITY AND PURPOSE.

Parts 2730.0200 to 2730.0700 are promulgated pursuant to the authority granted by Minnesota Statutes, sections 14.05 to 14.36, 62D.10, subdivision 4, and 62D.19 for the purpose of setting forth rules and procedural standards that the commissioner of commerce deems necessary to carry out the provisions of the act.

Statutory Authority: *MS s 62D.10 subd 4; 62D.19*

History: 9 SR 1187

2730.0300 EXAMINATION OF AGENTS, SOLICITORS, AND BROKERS.

Pursuant to Minnesota Statutes, section 62D.22, subdivision 8, and in accordance with Minnesota Statutes, chapter 60K, and agents' license rules of the Department of Commerce, part 2700.0700, the commissioner shall conduct written examinations for the licensing of health maintenance organization agents, solicitors, and brokers. Such examinations shall be designed to determine:

A. the abilities and qualifications of each license applicant to protect the rights of health maintenance organizations, enrollees, providers association with health maintenance organizations, and the general public relative to solicitations for enrollment in health maintenance organizations; and

B. each license applicant's familiarity with enrollee obligations, rights, and duties under health maintenance contracts and evidences of coverage, health service benefits thereunder, charges for and limitations upon services, and the authorized forms of solicitation and advertising of health maintenance organization services.

Statutory Authority: *MS s 62D.10 subd 4; 62D.19*

History: 9 SR 1187

2730.0400 SPECIAL EXAMINATIONS

Upon application in writing, affirmatively showing the reason or reasons therefor, the commissioner of commerce may conduct special examinations for purposes of authorizing solicitation or advertising limited in scope or duration or for particular requirements of health maintenance organization agent, solicitor, and broker license applicants.

Statutory Authority: *MS s 62D.10 subd 4; 62D.19*

History: 9 SR 1187

2730.0500 DETERMINATION OF UNREASONABLE EXPENSES.

Not less frequently than once every three years, the commissioner of health or the commissioner of commerce shall determine whether any expense a health maintenance organization incurs or pays is unreasonably high in relation to the value of any service or good provided to it. In making such determinations, to the extent possible, due consideration shall be given to:

A. the expense incurred or paid by other health maintenance organizations and other health care delivery systems for the same or similar service or goods;

B. the cost of such service or goods to the supplier thereof;

C. the impact of such expense upon the financial solvency of the health maintenance organization;

D. all pertinent cost/service data obtained or obtainable by the commissioner of health from the health maintenance organization pursuant to Minnesota Statutes, sections 62D.03, 62D.04, 62D.08, 62D.10, and 62D.14;

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E. guidelines developed and published pursuant to Minnesota Statutes, section 145.61, subdivision 5, clause (e);

F. pertinent data available from any rating organization approved by the commissioner of commerce;

G. such other information and information collection techniques as the commissioner of health may employ that show the real cost or fair market value of such service or goods; and

H. whether the officers and trustees of the health maintenance organization have acted with good faith and in the best interests of the health maintenance organization in entering into, and performing under, a contract under which the health maintenance organization has incurred an expense.

Statutory Authority: *MS s 62D.10 subd 4; 62D.19*

History: *9 SR 1187;*

2730.0600 COMMISSIONER'S ENFORCEMENT AUTHORITY.

Upon a finding by the commissioner of health or the commissioner of commerce that a health maintenance organization is incurring or paying for any expense that is unreasonably high in relation to the value of the service or goods provided, the commissioner of health may:

A. issue an order pursuant to Minnesota Statutes, section 62D.17;

B. consider the unreasonable expense to constitute a failure of the health maintenance organization to satisfy Minnesota Statutes, section 62D.12, subdivision 9, paragraph (c) or 62D.15, subdivision 1, paragraph (i) and to proceed accordingly; or

C. exercise such other statutory power as is available to the commissioner and that the commissioner deems appropriate.

Statutory Authority: *MS s 62D.10 subd 4; 62D.19*

History: *9 SR 1187; 17 SR 1279*

2730.0700 INTERAGENCY AGREEMENT.

The commissioner of commerce may by agreement with the commissioner of health provide procedures for the implementation and coordinated enforcement of part 2730.0500.

Statutory Authority: *MS s 62D.10 subd 4; 62D.19*

History: *9 SR 1187*