

**3317.5000 PRIVATE PLANS.**

Subpart 1. **Amendments to approved private plans.** A self-insured employer, private plan insured employer, or private plan insurer whose private plan was approved by the commissioner in consultation with the commissioner of commerce must file all substantive amendments with the commissioner to document changes to the plan. A self-insured employer, private plan insured employer, or private plan insurer must file all substantive amendments to an approved private plan with the commissioner no less than 30 days before the amendment goes into effect. If the amendment to the employer plan involves a private insurance product, that insurance product must be approved by the commissioner of commerce and be issued by an insurance company authorized to transact insurance business in this state.

Subp. 2. **Effective dates of voluntary termination of a private plan.** A self-insured employer and private plan insured employer must set the effective date for a voluntary private plan termination at the end of a calendar quarter.

Subp. 3. **Surety bond collection for involuntary termination of self-insured private plans.** The surety bond acquired by the self-insured employer under Minnesota Statutes, section 268B.10, subdivision 4, must name the Department of Employment and Economic Development as an obligee and must allow for recovery of costs and fees incurred by the department in pursuing a claim on the bond.

The commissioner shall collect the full value of the self-insured employer's surety bond when a self-insured private plan is involuntarily terminated. If a self-insured private plan is voluntarily terminated, but the self-insured private plan does not provide coverage through the effective date of the termination, as required by Minnesota Statutes, section 268B.10, subdivision 20, the commissioner shall collect the full value of the self-insured employer's surety bond.

Subp. 4. **Private plan reporting.** A self-insured employer or private plan insurer must submit an annual report to the commissioner that includes information required by this subpart and Minnesota Statutes, section 268B.25. Beginning in 2026, and annually thereafter, a self-insured employer or private plan insurer must submit the following information to the commissioner by November 1:

- A. total eligible claims;
- B. the number and percentage of claims attributable to each category of benefit;
- C. claimant demographics by age, race or ethnicity, gender, average weekly wage, occupation, and the type of leave taken;
- D. the percentage of claims denied and the reasons the claims were denied;
- E. average weekly benefit amount paid for all claims and by category of benefit;
- F. changes in the benefits paid compared to previous fiscal years;
- G. processing times for initial claims processing, initial determinations, and final decisions;

H. average duration for cases completed; and

I. the number of cases remaining open at the close of the year.

Subp. 5. **Coverage up to effective date of approved private plan.** An employer remains liable to the commissioner for premiums on wages paid until the effective date of the approved private plan. Employees remain eligible for benefits from the state-administered plan until the effective date of an approved private plan.

Subp. 6. **Recalculation for benefit years measured backward.** A self-insured employer or private plan insurer defining a benefit year as a rolling 12-month period measured backward must recalculate the employees' benefit amount on an annual basis. The benefit amount must be recalculated on the anniversary of the covered individual's first effective date of leave taken under this chapter.

**Statutory Authority:** *MS s 268B.02*

**History:** *49 SR 1368*

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