

4685.3200 WAIVER.

Subpart 1. **Application to the commissioner.** The requirements of Minnesota Statutes, section 62D.10 may be waived or the imposition of necessary underwriting restrictions may be authorized upon a written application to the commissioner stating the grounds for the request.

Subp. 2. **Compliance.** The commissioner shall determine whether or not compliance with the requirement for open enrollment would:

A. contravene the maximum enrollment limitation of 500,000 enrollees imposed by the act;

B. prevent a health plan from competing effectively with other health plans or with commercial health insurers for the enrollment of new members or for the retention of current members;

C. result in a health plan incurring unreasonably high expenses in relation to the value of the benefits or services it provides;

D. jeopardize the availability or adequacy of a health plan's working capital and any required surpluses or reserves; or

E. endanger the ability of a health plan to meet its current and future obligations to enrollees.

Subp. 3. **Considerations.** In making this determination the commissioner of health shall:

A. consider information supplied by a health plan in its application for the waiver or underwriting restrictions;

B. be permitted access to all health plan records pertinent to such application;

C. consider prevailing practices and standards relating to the financing and delivery of health care service in the community; and

D. consider any comments submitted by the commissioner of commerce or any interested party.

Statutory Authority: *MS s 62D.10*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92*

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