

**A CONSUMER'S GUIDE
TO
GETTING AND KEEPING HEALTH INSURANCE
IN
NORTH DAKOTA**

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This guide is intended to help consumers understand their protections under federal and state law. The authors have made every attempt to assure that the information presented in this guide is accurate as of the date of publication. However, the guide is a summary, and should not be used as a substitute for legal, accounting, or other expert professional advice. Readers should consult insurance regulators or other competent professionals for guidance in making health insurance decisions. The authors, Georgetown University, and the Health Policy Institute specifically disclaim any personal liability, loss or risk incurred as a consequence of the use and application, either directly or indirectly, of any information presented herein.

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A CONSUMER'S GUIDE TO GETTING AND KEEPING HEALTH INSURANCE IN NORTH DAKOTA

As a North Dakota resident, you have rights under federal and state law that will protect you when you seek to buy, keep, or switch your health insurance, even if you have a serious health condition.

This guide describes your protections as a North Dakota resident. Chapter 1 gives an overview of your protections. Chapters 2 and 3 explain your protections under group health plans and individual health insurance. Chapter 4 highlights your protections as a small employer or self-employed person. Chapter 5 summarizes help that may be available to you if you cannot afford health coverage. If you move away from North Dakota, your protections may change. Since this guide is a summary, it may not answer all of your questions. For places to contact for more information, see page 29. For information about how to find consumer guides for other states on the Internet, see page 30. A list of helpful terms and their definitions begins on page 31. These terms are printed in **boldface type** the first time they appear.

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CHAPTER 1

A SUMMARY OF YOUR PROTECTIONS

Numerous state and federal laws make it easier for people with **pre-existing conditions** to get or keep **health insurance**, or to change from one **health plan** to another. A federal law, known as the **Health Insurance Portability and Accountability Act (HIPAA)** sets national standards for all health plans. In addition, states can pass different reforms for the health insurance plans they regulate (**fully insured group health plans** and **individual health insurance**), so your protections may vary if you leave North Dakota. Neither federal nor state laws protect your access to health insurance in all circumstances. So please read this guide carefully.

The following information summarizes how federal and state laws do – or do not – protect you as a North Dakota resident.

HOW AM I PROTECTED?

In North Dakota, as in many other states, your health insurance options are somewhat dependent on your **health status**. Even if you are sick, however, the laws protect you in the following ways.

- *Coverage under your **group health plan** (if your employer offers one) cannot be denied or limited, nor can you be required to pay more because of your health status. This is called **nondiscrimination**. (See page 5.)*
- *All health plans in North Dakota must limit exclusion of pre-existing conditions. There are rules about what counts as a pre-existing condition and how long you must wait before a new group health plan will begin to pay for care for that condition. Generally, if you join a new health plan, your old coverage will be credited toward the **pre-existing condition exclusion period**, provided you did not have a long break in coverage. (See pages 7 and 11.)*
- *Your health insurance cannot be canceled because you get sick. All health insurance is **guaranteed renewable**. (See pages 11 and 20.)*
- *If you leave your job, you may be able to remain in your old group health plan for a period of time. This is called **COBRA** continuation or **state continuation coverage**. It can help when you are between jobs or waiting for a new health plan to cover your pre-existing condition. There are limits on what you can be charged for this coverage. (See page 12.)*
- *If you lose your group health insurance and meet other qualifications, you can buy individual health insurance from the **Comprehensive Health Association of North Dakota (CHAND)** high risk pool or under a group **conversion** policy. You will not*

face a new pre-existing condition exclusion period. There are limits on what you can be charged for a CHAND policy. (See page 16 and 17.)

- *You can also buy insurance from CHAND if you have been turned down or excluded for certain coverage by a health insurance company and meet other qualifications. In this case you may face a new pre-existing condition exclusion period. (See page 17.)*
- *If you are a small employer buying a group health plan, you cannot be turned down because of the health status, age, or any factor that might predict the use of health services of those in your group. This is called **guaranteed issue**. (See page 20.)*
- *If you are a small employer buying a group health plan, there are limits on what you can be charged because of health status, age, or other characteristics of those in your group. (See page 20.)*
- *If you have low or modest household income, you may be eligible for free or subsidized health coverage for yourself or members of your family. The North Dakota **Medicaid** program offers free health coverage for pregnant women, families with children, elderly and disabled individuals with very low incomes. In addition, some women who are diagnosed with Breast or Cervical Cancer may be eligible for medical care through Medicaid. (See Chapter 5.)*
- *If your children are 18 years old or younger, do not have health insurance and meet other qualifications, you may be able to buy insurance for them through the **Healthy Steps** program. (See page 24.)*
- *If you have lost your health insurance and are receiving benefits from the **Trade Adjustment Assistance (TAA) Program** then you may be eligible for a federal income tax credit to help pay for new health coverage. This credit is called the **Health Coverage Tax Credit (HCTC)**, and it is equal to 65% of the cost of qualified health coverage, including COBRA and health insurance offered through CHAND. (See page 25.)*
- *If you are a retiree aged 55-65 and receiving pension benefits from **Pension Benefit Guarantee Corporation (PBGC)**, then you may also be eligible for the HCTC (See page 25.)*

WHAT ARE THE LIMITS ON MY PROTECTIONS?

As important as they are, the federal and state health insurance reforms are limited. Therefore, you also should understand how the laws do *not* protect you.

- *If you change jobs, you usually cannot take your old health benefits with you. Except when you exercise your federal COBRA or state continuation rights, you are*

not entitled to take your actual group health plan with you when you leave a job. Your new health plan may not cover all of the benefits or the same doctors that your old plan did.

- *If you change jobs, your new employer may not offer you health benefits.* Employers are required only to make sure that any health benefits they do offer do not discriminate based on health status. (See page 5.)
- *If you get a new job with health benefits, your coverage may not start right away.* Employers can require **waiting periods** before your health benefits begin. Health maintenance organizations (**HMOs**) can require **affiliation periods**. (See page 6.)
- *If you have a break in coverage of 63 days or more, you may have to satisfy a new pre-existing condition exclusion period when you join a new health plan.* (See pages 7 and 11.)
- *Even if your coverage is **continuous**, there may be a pre-existing condition exclusion period for some benefits if you join a health plan that covers certain benefits your old plan did not.* For example, say you move from a group plan that does not cover prescription drugs to one that does. You may have to wait up to one year before your new health plan will pay for drugs prescribed to treat a pre-existing condition. (See page 8.)
- *In North Dakota, your access to individual health insurance may depend on your health status.* Private insurers in North Dakota can turn you down because of pre-existing conditions. Individual health insurance companies can also permanently exclude coverage for your pre-existing condition. (See page 11.) If you are **HIPAA eligible**, CHAND is your only guaranteed access to individual health insurance, though you may be able to buy individual coverage from other insurance companies. Some people who have problems obtaining individual health insurance may be eligible for CHAND. (See page 17.)

CHAPTER 2

YOUR PROTECTIONS UNDER GROUP HEALTH PLANS

This chapter describes the protections that you have in group health plans, such as those offered by employers or labor unions. Your protections will vary somewhat, depending on whether your plan is a **fully insured group health plan** or a **self-insured group health plan**. The plan's benefits information must indicate whether the plan is self-insured.

WHEN DOES A GROUP HEALTH PLAN HAVE TO LET ME IN?

- *You have to be eligible for the group health plan.* For example, your employer may not give health benefits to all employees. Or, your employer may offer an HMO plan that you cannot join because you live outside of the plan's service area.
- *You cannot be turned away or charged more because of your health status.* This protection is called nondiscrimination. Employers may refuse or restrict coverage for other reasons (such as part time employment), as long as these are unrelated to health status and applied consistently.

Discrimination due to health status is not permitted

The Acme Company has 200 employees and offers two different health plans. Full time employees are offered a high option plan that covers prescription drugs; part time employees are offered a low option plan that does not. This is permitted under the law. By contrast, in a cost-cutting move, Acme restricts its high option plan to those employees who can pass a physical examination. This is not permitted under the law.

- *You must be given a special opportunity to sign up for your group health plan if certain changes happen to your family.* In addition to any regular **enrollment period** your employer or group health plan offers, you must be offered a special, 30-day opportunity to enroll in your group health plan after certain events. You can elect coverage at this time. If your group health plan offers family coverage, your dependents can elect coverage as well. Enrollment during a **special enrollment period** is *not* considered **late enrollment**.

Certain changes can trigger a special enrollment opportunity

- The birth, adoption, or placement for adoption of a child
- Marriage
- Loss of other coverage (for example, that you or your dependents had through yourself or another family member and lost because of death, divorce, legal separation, termination, retirement, or reduction in hours worked)

- *Under North Dakota law, newborns, adopted children and children placed for adoption are automatically covered under the parents' fully insured health plan for the first 31 days.* The insurer may require that the parent enroll the dependent within the 31 days in order to continue coverage beyond the 31 days.
- *If you have a disabled child, that child may remain covered under your health plan after he or she reaches the age at which dependent coverage is usually terminated.* To qualify, your adult son or daughter must be incapable of self-support because of mental retardation or physical disability and must be chiefly dependent on the policyholder for support. Proof of incapacity must be furnished to the insurer within 31 days of reaching the limiting age and may be required subsequently in the future.
- *When you begin a new job, your employer may require a waiting period before you can sign up for health coverage.* This waiting period, however, must be applied consistently and cannot vary due to your health status.
- *When you begin a new job with health insurance through an HMO, the HMO may require a waiting period before coverage begins.* During this affiliation period, you will not have health insurance coverage. An HMO affiliation period cannot exceed 2 months (3 months for late enrollees), and you cannot be charged a premium during this time.
- *If you have to take leave from your job due to illness, the birth or adoption of a child, or to care for a seriously ill family member, you may be able to keep your group health coverage for a limited time.* A federal law known as a **Family and Medical Leave Act (FMLA)** guarantees you up to 12 weeks of job protected leave in these circumstances.

The FMLA applies to you if you work at a company with 50 or more employees.

If you qualify for leave under FMLA, your employer must continue your health benefits. You will have to continue paying your share of the premium.

If you decide not to return to work at the end of the leave period, your employer may require you to pay back the employer's share of the health insurance premium. However, if you don't return to work because of factors outside your control (such as a need to continue caring for a sick family member, or because your spouse is transferred to a job in a distant city) you will not have to repay the premium.

For more information about your rights under FMLA, contact the **U.S. Department of Labor**.

CAN A GROUP HEALTH PLAN LIMIT MY COVERAGE FOR PRE-EXISTING CONDITIONS?

When you first enroll in a group health plan, the employer or insurance company may ask if you have any pre-existing conditions. Or, if you make a claim during the first year of coverage, the plan may **look back** to see whether it was for such a condition. If so, it may seek to exclude coverage for services related to that condition for a certain length of time. However, federal and state laws protect you by placing limits on these pre-existing condition exclusion periods under group health plans.

- *A group health plan can count as pre-existing conditions only those for which you actually received (or were recommended to receive) a diagnosis, treatment or medical advice within the 6 months immediately before you joined that plan. This period is also called a look back period.*
- *Group health plans cannot apply a pre-existing condition exclusion period for pregnancy, newborns or newly adopted children, children placed for adoption, or **genetic information**.*
- *Under group health plans, coverage for pre-existing conditions can be excluded only for a limited time. The maximum period is 12 months. However, if you enroll late (after you were hired and not during a regular or special enrollment period) in a self-insured group health plan or in a fully insured **small group health plan**, coverage for your pre-existing condition can be excluded for as long as 18 months.*
- *Group health plans that impose pre-existing condition exclusion periods must give credit for any previous continuous **creditable coverage**. Most types of private and government sponsored health coverage are considered to be creditable coverage. Coverage counts as continuous if it has not been interrupted by a break of 63 or more days in a row.*

What is creditable coverage?

Most health insurance counts as creditable coverage, including:

Federal Employees Health Benefits (FEHBP)	Medicare
Group health insurance (including COBRA)	Military health coverage (CHAMPUS)
Indian Health Service	State health insurance
Individual health insurance	high risk pools
Medicaid	

In most cases, you should get a certificate of creditable coverage when you leave a health plan. You also can request certificates at other times. If you cannot get one, you can submit other proof, such as old health plan ID cards or statements from your doctor showing bills paid by your health insurance plan.

In determining continuous coverage, employer-imposed waiting periods and HMO affiliation periods do not count as a break in coverage. If your new plan imposes a pre-existing condition exclusion period, you can credit time under your prior continuous coverage toward it. If your employer requires a waiting period, the pre-existing condition exclusion period begins on the first day of the waiting period. HMOs that require an affiliation period cannot exclude coverage for pre-existing conditions

What is continuous coverage?

You can get continuous coverage under one plan, or under several plans as long as you don't have a lapse of 63 or more consecutive days.

Take Art, who has diabetes. Ajax Company covered him under its group health plan for 9 months, but he lost his job and health coverage. Then, *45 days later*, Art found a new job at Beta Corporation and had health coverage for 9 more months. Art changed jobs again. His new company, Charter, has a health plan that covers care for diabetes but excludes pre-existing conditions for 12 months. Charter must cover Art's diabetes care immediately, because his 18 months of prior continuous coverage are credited against the 12-month exclusion.

Now consider a slightly different situation. Assume Art was uninsured for *90 days* between his jobs at Ajax and Beta. In this case, Charter will credit coverage only under Beta's plan toward the 12-month pre-existing condition exclusion period. Charter's plan will begin paying for Art's diabetes care in 3 months (1 year minus 9 months). Art does not get credit for his coverage at Ajax since he had a break of *more than 63 consecutive days*.

- *Your protections may differ if you move to a group health plan that offers more benefits than your old one did.* Plans can look back to determine whether your previous health plan covered *prescription drugs, mental health, substance abuse, dental care, or vision care*. If you did not have continuous coverage for one or more of these categories of benefits, your new group health plan may impose a pre-

existing condition exclusion period for that category. Plans that use this method of crediting prior coverage must use it for everyone and must disclose this to you when you enroll.

Even if coverage is continuous, there may be an exclusion for certain benefits

Sue needs prescription medication to control her blood pressure. She had 2 years of continuous coverage under her employer's group health plan, which did not cover prescription drugs. Sue changes jobs, and her new employer's plan does cover prescription drugs. However, because her prior policy did not, the new plan refuses to cover her blood pressure medicine for a year.

Question: Is this permitted?

Answer: Yes. However, the plan must pay for covered doctor visits, hospital care, and other services for Sue's high blood pressure. It also must pay for covered prescription drugs she needs for other conditions that were not pre-existing.

- *No pre-existing condition exclusion period can be applied without appropriate notice.* Your group health plan must inform you, in writing, if it intends to impose such a period. Also, if needed, it must help you get a certificate of creditable coverage from your old health plan.

AS YOU ARE LEAVING GROUP COVERAGE...

- *If you are leaving your job or otherwise losing access to your group health coverage, you may be able to remain covered under the group health plan for a limited time. In addition, you may have special protections when buying certain kinds of individual health coverage. See Chapter 3 for more information about COBRA continuation coverage, state continuation coverage, conversion policies, individual health insurance, and coverage for "HIPAA eligible individuals."*
- *If you have lost your group health insurance and are receiving benefits from the Trade Adjustment Assistance (TAA) program, you may be eligible for a federal income tax credit to help you pay for new health coverage. This credit is called the Health Coverage Tax Credit (HCTC), and it is equal to 65% of the cost of qualified health coverage, including COBRA and health insurance offered through CHAND. (See page 25.)*
- *If you are a retiree aged 55-65 and receiving pension benefits from the Pension Benefit Guaranty Corporation (PBGC), you may also be eligible for the HCTC. (See page 25.)*

CHAPTER 3

YOUR PROTECTIONS WHEN BUYING INDIVIDUAL HEALTH INSURANCE

If you do not have access to employer-sponsored group insurance, you may want to buy individual health insurance from a private insurance company. However, in North Dakota – as in most other states – you have limited guaranteed access to individual health insurance. Whether you can buy individual health insurance may depend on your health status, the kind of coverage you want to buy, and other circumstances. Also, there are some alternatives to individual health insurance coverage such as COBRA, conversion policies, and the Comprehensive Health Association of North Dakota (CHAND). This chapter summarizes your protections under different kinds of health plan coverage.

INDIVIDUAL HEALTH INSURANCE SOLD BY PRIVATE INSURERS

WHEN DO INDIVIDUAL HEALTH INSURERS HAVE TO SELL ME COVERAGE?

In North Dakota, your ability to buy individual health coverage may depend on your health status. There are certain circumstances, however, when you must be allowed to buy individual health insurance.

- *In general, insurers that sell individual health insurance in North Dakota are free to turn you down because of your health status and other factors. When applying for individual coverage, you may be asked questions about health conditions you have now or had in the past. Depending on your health status, insurers might refuse to sell you coverage or offer to sell you a policy that has special limitations on what it covers.*
- *If you have been denied coverage because of your health status, you can buy individual health insurance from CHAND. (See page 17.)*
- *If you are HIPAA eligible, you can buy individual health insurance from CHAND. You will not have a pre-existing condition exclusion period. There are limits on what you can be charged. (See page 17.)*
- *In North Dakota, newborns, adopted children and children placed for adoption are automatically covered under the parents' fully insured health plan for the first 31 days. The insurer may require that the parent enroll the dependent within the 31 days in order to continue coverage beyond the 31 days.*
- *If you have a disabled child, that child may remain covered under your health plan after he or she reaches the age at which dependent coverage is usually terminated. To qualify, your adult son or daughter must be incapable of self-support because of mental retardation or physical disability and must be chiefly dependent on the*

policyholder for support. Proof of incapacity must be furnished to the insurer within 31 days of reaching the limiting age and may be required subsequently in the future.

WHAT WILL MY INDIVIDUAL HEALTH INSURANCE COVER?

- *If an insurance company offers you individual health insurance, it must offer you a **basic and standard health plan**.* These are standardized plans with benefits identical to those under group health plans. Standardized plans help you compare the cost of policies. You may be offered non-standardized plans as well.

WHAT ABOUT COVERAGE FOR MY PRE-EXISTING CONDITION?

- *Individual health insurers can impose **elimination riders**.* This is an amendment to your health insurance policy that permanently excludes coverage for a health condition or even an entire body part or system. Insurers cannot impose elimination riders on basic and standard health benefit plans.
- *North Dakota insurers can also impose **pre-existing condition exclusion period**.* Pre-existing condition exclusion periods cannot exceed 12 months. If a 12-month exclusion period is applied, you can get credit for any prior continuous creditable coverage you have had as long as you have not had a gap of 63 days or more between your old and new coverage.

The definition of pre-existing condition is the same under individual health insurance and group health plans. Individual health insurance can count as pre-existing conditions only those for which you actually received (or were recommended to receive) a diagnosis, medical advice, or treatment in the six months prior to obtaining the individual health policy. Individual health insurers can count pregnancy as a pre-existing condition, but not genetic information

WHAT CAN I BE CHARGED FOR INDIVIDUAL HEALTH COVERAGE?

- *If you have an expensive health condition, your individual health insurance premiums may be very high.* The law does not prohibit North Dakota health insurers from charging you more because of your health status.

CAN MY INDIVIDUAL HEALTH INSURANCE POLICY BE CANCELLED?

- *If you have an individual plan, your coverage cannot be canceled because you get sick.* This is called guaranteed renewability. You have this protection provided that you pay the premiums, do not defraud the company, and, in the case of **managed care plans**, continue to live in the plan service area. However, premiums can increase within limits as you age.

- *Some insurance companies sell temporary health insurance policies.* Temporary policies are *not* guaranteed renewable. They will only cover you for a limited time, such as six months. If you want to renew coverage under a temporary policy after it expires you will have to reapply and there is no guarantee that coverage will be re-issued at all or at the same price.

COBRA CONTINUATION COVERAGE

WHEN DO I HAVE TO BE OFFERED COBRA COVERAGE?

If you are leaving your job and you had group coverage, you may be able to stay in your group plan for an extended time through COBRA or state continuation coverage. The information presented below was taken from publications prepared by the U.S. Department of Labor. You should contact them for more information about your rights under COBRA.

- *To qualify for COBRA continuation coverage, you must meet 3 criteria:*

First, you must work for an employer with 20 or more employees. If you work for an employer with 2-19 employees, you may qualify for state continuation coverage.

Second, you must be covered under the employer's group health plan as an employee or as the spouse or dependent child of an employee.

Finally, you must have a qualifying event that would cause you to lose your group health coverage.

COBRA QUALIFYING EVENTS

For employees

- Voluntary or involuntary termination of employment for reasons other than gross misconduct
- Reduction in numbers of hours worked

For spouses

- Loss of coverage by the employee because of one of the qualifying events listed above
- Covered employee becomes eligible for Medicare
- Divorce or legal separation of the covered employee
- Death of the covered employee

For dependent children

- Loss of coverage because of any of the qualifying events listed for spouses
- Loss of status as a dependent child under the plan rules

- *Each person who is eligible for COBRA continuation can make their own decision.* If your dependents were covered under your employer plan, they may independently elect COBRA coverage as well.

- *To qualify as HIPAA eligible, you must use up any COBRA continuation coverage available to you.*
- *You must be notified of your COBRA rights when you join the group health plan, and again if you qualify for COBRA coverage.* The notice rules are somewhat complicated and you should contact the U.S. Department of Labor for more information.

In general, if the event that qualifies you for COBRA coverage involves the death, termination, reduction in hours worked, or Medicare eligibility of a covered worker, the employer has 30 days to notify the group health plan of this event. However, if the qualifying event involves divorce or legal separation or loss of dependent status, YOU have 60 days to notify the group health plan. Once it has been notified of the qualifying event, the group health plan has 14 days to send you a notice about how to elect COBRA coverage. Each member of your family eligible for COBRA coverage then has 60 days to make this election.

Once you elect COBRA, coverage will begin retroactive to the qualifying event. You will have to pay premiums dating back to this period.

SPECIAL SECOND CHANCE TO ELECT COBRA FOR TRADE-DISLOCATED WORKERS

- *A second COBRA election period may be available for TAA eligible people who did not elect COBRA when it was first offered.* The second election period can be exercised 60 days from the 1st day of TAA eligibility, but in no case later than 6 months following loss of coverage. Coverage elected during this second election begins retroactive to the beginning of the special election period – not back to qualifying event.
- *Certain people who lost their job-based health coverage because of the impact of imports on their employers have a limited second chance to elect COBRA.* People who are receiving benefits from the Trade Adjustment Assistance (TAA) Program are eligible for a federal income tax credit (the Health Coverage Tax Credit, or HCTC) that will pay 65% of their premiums.
- *For some laid off workers, TAA benefits begin after their 60-day period to elect COBRA continuation coverage has expired.* In this circumstance, TAA-eligible people have a second 60-day period, starting on the date of their TAA eligibility, to elect COBRA. (However, in no case can COBRA be elected more than 6-months following the original qualifying event (i.e. layoff) that caused the loss of group health plan coverage.)
- *When COBRA is elected during this special, second election period, coverage starts on the first date of the special election period.* Any time that has elapsed between the original qualifying event and the first date of the special election period is not counted as a lapse in coverage in determining continuous coverage history.

WHAT WILL COBRA COVER?

- *Your covered health benefits under COBRA will be the same as those you had before you qualified for COBRA.* For example, if you had coverage for medical, hospitalization, dental, vision, and prescription drug benefits before COBRA, you can continue coverage for all of these benefits under COBRA. If these benefits were covered under more than one plan (for example, a separate health insurance and dental insurance plan) you can choose to continue coverage under any or all of the plans. Life insurance is not covered by COBRA.

If your employer changes the health benefits package after your qualifying event, you must be offered coverage identical to that available to other active employees who are covered under the plan.

WHAT ABOUT COVERAGE FOR MY PRE-EXISTING CONDITION?

- *Because your group coverage is continuing, you will not be faced with a new pre-existing condition exclusion period under COBRA.* However, if you were in the middle of a pre-existing condition exclusion period when your qualifying event occurred, you will have to finish it.

WHAT CAN I BE CHARGED FOR COBRA COVERAGE?

- *You must pay the entire premium (employer and employee share, plus a 2% administrative fee) for COBRA continuation coverage.* The first premium must be paid within 45 days of electing COBRA coverage.
- *If you elect the 11-month disability extension, the premium will increase to 150% of the total cost of coverage.* See below for more information about the disability extension.
- *If you are eligible for the Health Coverage Tax Credit (HCTC), the federal government will pay 65% of your COBRA premium.* (See page .)

HOW LONG DOES COBRA COVERAGE LAST?

- *COBRA coverage generally lasts up to 18 months and cannot be renewed.* . However, dependents are sometimes eligible for up to 36 months of COBRA continuation coverage, depending on their qualifying event. In addition, special rules for disabled individuals may extend the maximum period of coverage to 29 months. To qualify for the disability extension, you must have been disabled at the time of your COBRA qualifying event (such as termination of employment or reduction in hours) or be determined to have become disabled within 60 days of that qualifying event. You must obtain this disability determination from the Social Security Administration, and you must notify your group health plan within 60 days

of this disability determination.

LENGTH OF COBRA COVERAGE		
<u>Qualifying event(s)</u>	<u>Eligible person(s)</u>	<u>Coverage</u>
Termination Reduced hours	Employee Spouse Dependent child	18 months *
Employee enrolls in Medicare Divorce or legal separation Death of covered employee	Spouse Dependent child	36 months
Loss of "dependent child" status	Dependent child	36 months
*Special rules may extend coverage an additional 11 months for certain disabled individuals and their eligible family members		

- *Usually, COBRA continuation coverage ends when you join a new health plan. However, if your new plan has a waiting period or a pre-existing condition exclusion period, you can keep whatever COBRA continuation coverage you have left during that period. For specifics, ask your former employer or contact the U.S. Department of Labor.*
- *COBRA coverage also ends if your employer stops offering health benefits to other employees.*
- *COBRA coverage might end if you are in a managed care plan that is available only to people living in a limited geographic area and you move out of that area. However, if you are eligible for COBRA and are moving out of your current health plan's service area, your employer must provide you with the opportunity to switch to a different plan, but only if the employer already offers other plans to its employees. Some examples of the other plans your employer may offer you are a managed care plan whose service area includes the area you are moving to, or another plan that does not have a limited service area.*

WHAT ABOUT NORTH DAKOTA CONTINUATION COVERAGE?

North Dakota permits certain individuals to continue coverage under their fully insured group health plan, even after they lose eligibility as a member of that group.

- *If your employer offers fully insured health benefits, you may also be eligible for up to 39 weeks of continuation coverage under a North Dakota law that is similar to COBRA. If your employer has fewer than 20 workers, state continuation coverage is the only continuation coverage available to you.*

To qualify for state continuation coverage, you must have been covered under your fully insured group health plan for at least three months. Also, you must apply within 10 days of losing your coverage or from the day you were notified about continuation coverage, whichever is later. Continuation coverage is not required to include dental, vision care, prescription drugs, or any other benefits under the group plan above hospital, surgical or major medical benefits. Ask your former employer or the North Dakota Department of Insurance about state continuation coverage if you think it applies to you.

CONVERSION POLICIES

WHEN AM I ELIGIBLE FOR CONVERSION COVERAGE?

- *In North Dakota, if you have coverage through an employer's fully insured group health plan and you leave that job, you may be eligible to buy conversion coverage. This is an individual policy you get from the company that insured your employer's group plan.*
- *Fully insured group health plans must offer conversion privileges to spouses and dependent children of a policyholder in case of divorce or annulment. The spouse and children must apply within 30 days. Others may be eligible only if their group health plan contract includes conversion rights.*

Fully insured group health plans can – but are not required to – provide conversion rights to other people. If your plan does, you must be offered conversion when your group coverage terminates. Ask your employer if your group health plan includes conversion rights.

In most instances, you must have exhausted any state continuation coverage before you can purchase a conversion policy.

WHAT DOES A CONVERSION POLICY COVER?

- *Coverage under a conversion policy probably will not be the same as under your prior group health plan, and will probably offer fewer benefits.*

WHAT ABOUT COVERAGE FOR MY PRE-EXISTING CONDITION?

- *Your conversion policy cannot impose a new pre-existing condition exclusion period. However, if you were in the middle of an exclusion period under your former group health plan coverage, you may have to finish it.*

HOW MUCH CAN I BE CHARGED FOR CONVERSION COVERAGE?

- *Conversion policy premiums may be much more expensive than your former group plan premiums.*

CAN MY POLICY BE CANCELLED?

- *Your conversion coverage cannot be canceled because you get sick. This is called guaranteed renewability. You have this protection provided that you pay the premiums, do not defraud the company, and, in the case of managed care plans, continue to live in the plan service area.*

COMPREHENSIVE HEALTH ASSOCIATION OF NORTH DAKOTA (CHAND)

North Dakota maintains a high risk pool, called the Comprehensive Health Association of North Dakota (CHAND), which provides access to health insurance coverage to all residents of North Dakota who are denied adequate health insurance and are considered uninsurable and for people who are HIPAA eligible.

WHEN AM I ELIGIBLE FOR CHAND?

- *You can buy coverage from CHAND if you are a North Dakota resident, have lived in North Dakota for at least 6 months, and can demonstrate proof of uninsurability. You are considered uninsurable in North Dakota if you have written evidence from at least one insurer that within 6 months prior to applying, you have been:*
 - *turned down for coverage;*
 - *offered health insurance that restricts or excludes coverage for your pre-existing condition;*
 - *offered health insurance with premium rate exceeding the CHAND rate; or*
 - *diagnosed and have written evidence from a medical professional of the existence of a qualifying condition.*
- *In addition, if you are HIPAA eligible, you can buy health insurance from CHAND without limits on coverage for pre-existing conditions.*

To be HIPAA eligible, you must meet certain criteria

No matter where you live in the U.S., if you are HIPAA eligible you are guaranteed the right to buy individual health insurance of some kind without pre-existing condition exclusion periods. In North Dakota, you are guaranteed the right to buy coverage only from CHAND. To be HIPAA eligible, you must meet all of the following:

- You must have had 18 months of continuous creditable coverage, *at least the last day of which was under a group health plan.*
- You also must have bought and used up any COBRA or state continuation coverage for which you were eligible.
- You must not be eligible for Medicare, Medicaid, or a group health plan.
- You must not have health insurance. (Note, however, if you know your group coverage is about to end, you can apply for coverage for which you *will* be HIPAA eligible.)
- You must apply for health insurance for which you are HIPAA eligible within 63 days of losing your prior coverage.

Your HIPAA eligible status ends as soon as you enroll in individual health insurance, because the last day of your continuous health coverage must have been in a group plan. You can become HIPAA eligible again by maintaining continuous coverage and rejoining a group health plan.

- *You can also buy coverage from CHAND if you have been certified as eligible for federal premium assistance under the Trade Adjustment Act (TAA). TAA eligible individuals are not required to exhaust COBRA continuation coverage and cannot have other health insurance coverage.*
- *In general, you cannot have CHAND coverage if you are eligible for any other health insurance except Medicare. However, if you are in CHAND and become eligible for another health plan that has a pre-existing condition exclusion period, you can keep your CHAND coverage through the end of that exclusion period. In addition, you cannot have CHAND coverage if you have terminated CHAND coverage during the last 12 months.*

WHAT DOES CHAND COVER?

- *CHAND currently offers one comprehensive health plan with two different deductible options (\$500 or \$1000 annually). After the deductible is met, the plan will pay 80% of the allowed charge for covered services. In addition, there is a \$3,000 annual limit on your out-of-pocket spending on deductibles and co-insurance. After you reach this limit, CHAND will pay 100% of covered charges for the remainder of the year. Covered services have a lifetime limit of \$1 million.*

- *Covered benefits include hospital and physician care, prescription drugs, home health care, and other services. Preventive services – such as childhood immunizations, mammograms, and screening for prostate cancer – are covered with special conditions.*
- *If you have Medicare, CHAND also offers a basic and standard supplement plan with its own premium. Call CHAND for more information about their Medicare supplement plan.*

WHAT ABOUT COVERAGE FOR MY PRE-EXISTING CONDITION?

- *If you are not HIPAA eligible, CHAND will exclude coverage for your pre-existing condition for 180 days. CHAND will look back 90 days prior to the effective date of your benefit plan to see if you had a condition for which you actually received a diagnosis or medical advice or treatment. Unlike group health plans, CHAND can impose a pre-existing condition exclusion period on pregnancy for 270 days, or, if you have a major illness and also are pregnant, maternity coverage should be available after 180 days. CHAND will give you credit for prior continuous coverage (not interrupted by a break of 63 or more consecutive days) toward your pre-existing condition exclusion.*
- *If you are HIPAA eligible, CHAND cannot impose any pre-existing condition exclusion periods.*

HOW MUCH CAN I BE CHARGED FOR CHAND COVERAGE?

- *CHAND premiums vary based on your age and the plan you choose. For example, monthly premiums range from \$213-\$232 for a 24-year old male and \$543-\$581 for a 64-year old male.*

CAN MY CHAND COVERAGE BE CANCELLED?

- *CHAND coverage is renewable as long as you pay your premiums, continue to reside in North Dakota, and meet other eligibility requirements.*

CHAPTER 4

YOUR PROTECTIONS AS A SMALL EMPLOYER OR SELF-EMPLOYED PERSON

Federal law extends certain protections to employers seeking to buy health insurance for themselves and their workers. North Dakota has enacted some reforms that expand some of these protections. Generally, small employers are those that employ 2-50 employees. Please note, however, that the definitions of small employer and employee are somewhat different under federal and state law. Check with the North Dakota Department of Insurance to be sure that you know which protections apply to your group.

DO INSURANCE COMPANIES HAVE TO SELL ME HEALTH INSURANCE?

- *With few exceptions, small employers cannot be turned down.* This is called guaranteed issue. If you employ at least 2 but not more than 50 people eligible for health benefits, health insurance companies must sell you any **small group health plan** they sell to small employers. However, they can require that a minimum percentage of your employees sign up for coverage. They can also require you to pay a minimum share of your workers' premiums. If you are buying a **large group health plan** for 51 or more employees, your group can be turned down.
- *Your insurance cannot be canceled because someone in your group becomes seriously ill.* This is called guaranteed renewability and it applies to group plans of all sizes. Insurers can impose other conditions, however. They can require you to meet minimum participation and contribution rates in order to renew your coverage. Additionally, they can refuse to renew your coverage for nonpayment of premiums or if you commit fraud, or if they are discontinuing that insurance product. In the latter case, they must give you a chance to buy other plans they sell to groups of your size.

CAN I BE CHARGED MORE BECAUSE OF MY GROUP'S HEALTH STATUS?

- *Within limits, you can be charged higher premiums based on the health, risk, and demographic characteristics of your group.* For small employers with 2-25 employees, North Dakota limits the difference in premiums and the annual increase that can be charged. For groups with 26 or more workers, North Dakota does not limit premium variation or increases. If you have questions about your group health insurance premiums, contact the North Dakota Insurance Department.

WHAT PLAN CHOICES DO I HAVE?

- *Insurance companies must offer small employers standardized health plans. In North Dakota, insurers must offer small employers a standard plan and a basic plan. Standardization helps you compare differences in cost and coverage. Insurance companies in North Dakota are required to offer these standardized plans to large groups and individuals as well. Insurers can also offer non-standardized plans.*

WHAT IF I AM SELF-EMPLOYED?

- *If you are self-employed with no other workers, you are not eligible to buy a group health plan on your own (though you may be able to join another group health plan through a family member). Therefore, the laws that protect employers' access to group health plans do not apply to you. Your access to health insurance is protected by the laws that apply to individuals. (See Chapter 3.)*
- *If you are self-employed and buy your own health insurance, you are eligible to deduct 100% of the cost of your premium from your federal income tax.*

A WORD ABOUT ASSOCIATION PLANS

- *Some small employers, self-employed people and individuals buy health insurance through professional or trade associations. The laws applying to association health coverage can be different than those for other health insurance. Check with the North Dakota Department of Insurance about your protections in association health plans.*

CHAPTER 5 FINANCIAL ASSISTANCE

Help is available to certain low-income residents of North Dakota who cannot afford to buy health insurance. Medicaid and Healthy Steps offer free or subsidized health insurance coverage, direct medical services or other help. In addition, the federal government, under the Trade Adjustment Assistance (TAA) Program, provides tax credits to some workers who lose their jobs or whose work hours and wages are reduced as a result of increased imports. This chapter provides summary information about these programs and contact information for further assistance.

MEDICAID

Medicaid is a program that provides health coverage to some low-income North Dakota residents. Medicaid covers families with children and pregnant women, medically needy individuals, the elderly, and people with disabilities, if state and federal guidelines are met. Legal residents who are not U.S. citizens may be eligible for Medicaid. Non-citizens who do not have immigration documents cannot enroll in Medicaid.

- *For certain categories of people, eligibility for Medicaid is based on the amount of your household income.*

In North Dakota you may be eligible for Medicaid if you are a child, a parent of a child, or pregnant, and your family income meets the Medicaid income standards.

Income eligibility levels for these categories are described below. Your assets and some expenses also may be taken into account, so you should contact your County Department of Social Services for more information.

Low income persons eligible for Medicaid in North Dakota*

<u>Category</u>	<u>Income eligibility</u> (as percent of federal poverty level)
Child up to 5	133% (monthly income of about \$1,737 for family of 3)
Child 6-18	100%
Non-working parents	40%
Working parents	69%
Pregnant woman	133%
Medically needy	
Individual	66%
Couple	51%

* Eligibility information was compiled *State Health Facts Online*, the Henry J. Kaiser Family Foundation and may have changed since this guide was published. Contact your state Medicaid program for the most up to date information and for other eligibility requirements that may apply.

To get an idea of how your income compares to the federal poverty level,* use the federal poverty guideline issued by the U.S. Department of Health and Human Services for the year 2004:

<u>Size of Family Unit</u>	<u>Poverty Guideline (annual income)</u>
1	\$ 9,310
2	\$ 12,490
3	\$ 15,670

For larger families add \$3,180 for each additional person

So, for example, using this guideline, 133% of the federal poverty level for a family of 3 would be an annual income of \$20,841, or a monthly income of \$1,737.

* Contact your state Medicaid program for the most up to date information and for other eligibility requirements that may apply.

- *Parents who receive benefits under **TANF (also known as Training, Employment, Education Management, or TEEM)** should know that when you get a job and your TANF benefits would normally end, you generally can stay on Medicaid for a 12-month transitional period.*

In addition, your children may qualify for Medicaid if your family's income meets certain income standards.

- *Poor elderly or disabled people who get **Supplemental Security Income (SSI)** benefits can also qualify for Medicaid.*

Disabled individuals should know that if your income earned from a job increases so that you no longer qualify for SSI, you may be able to continue your Medicaid coverage if you are elderly or you are still considered disabled and you continue to have medical need.

- *People who have high medical expenses may also qualify for Medicaid.* You may qualify as medically needy if you have high medical expenses that, when subtracted from your income, would make you eligible for Medicaid coverage. For example, people who have to pay a lot for prescription drugs, nursing home care, or other long term care services sometimes qualify as medically needy if their health insurance is limited or does not cover these services.
- *Retired or disabled people who have low incomes and are enrolled in Medicare may also qualify for help from Medicaid through the Medicare Savings Programs.* Even though your income may be too high to qualify for Medicaid coverage, there may be other ways Medicaid can help you.

If your household income is below the poverty level, Medicaid will pay your Medicare monthly premium and your Medicare deductibles and coinsurance.

If your household income is above 100% but below 135% of the poverty level, Medicaid will pay for your monthly Medicare premiums only.

Contact your county social service office for more information about other eligibility requirements.

- *There may be other ways that Medicaid can help.* To find out if you or other members of your family qualify for Medicaid, contact your county social service office. You can apply for Medicaid at county social service office or at certain sites, although very few throughout North Dakota.

To obtain the locations and telephone number of sites near you call Medicaid Services at the Department of Human Services.

HEALTHY STEPS

Healthy Steps is a program that provides health coverage to low-income children under the age of 19 who are not eligible for Medicaid and who have no health insurance.

- *A child whose family has a household income below 140% of the federal poverty level is eligible for Healthy Steps. For a family of 3, this works out to an annual income of about \$21,938, or a monthly income of about \$1,828.*
- *Families may be required to pay co-payments for some services, ranging from \$2 for prescription to \$50 for hospitalization.*

- *Healthy Steps provides comprehensive coverage to enrollees including clinic services, inpatient and outpatient hospitalization, prescriptions, mental health and substance abuse services, preventive well-child exams, immunizations, dental, and vision services.*
- *For more information, call Healthy Steps at (800) 755-2604.*

OTHER ASSISTANCE PROGRAMS

- *Caring Program for Children is a specially designed health and dental benefit program that provides health and dental coverage to low-income children from birth to age 19 from working families who cannot afford health insurance. The child cannot be eligible for Medicaid or other health insurance and all eligible children in the family must apply. A child whose family has a household income between 140% - 200% of the federal poverty level is eligible for Caring Program for Children.*

The North Dakota Caring Foundation, established in 1989 by Blue Cross Blue Shield, supports the Caring Program for Children through funding from businesses, community, church groups, and individuals.

Potential enrollees are encouraged to apply first to the state funded Healthy Steps program because the health care benefits are more extensive than those offered by the Caring Program for Children.

Contact Blue Cross Blue Shield of North Dakota for more information about other eligibility requirements.

- *There may be other programs available to you, so contact the North Dakota Department of Human Services at (701) 328-2310, (800) 472-2622, or visit their web site at <http://www.state.nd.us/humanservices/>*

WOMEN'S WAY

Women's Way is the name of North Dakota's Breast and Cervical Cancer Early Detection Program available to eligible North Dakota women.

- *In order to be eligible for the Women's Way, you must meet age, income, and insurance guidelines. To program is available to women ages 18-64. You must be either underinsured or uninsured and certain income guidelines must be met. Additionally, you must be a resident of the United States for at least 30 days to be eligible for Women's Way.*

- *Women who are screened through Women's Way and diagnosed with breast and/or cervical cancer can apply for full healthcare coverage through Medicaid, which covers the cost of breast and cervical cancer treatment.*
- *For women ages 18-49 are eligible for free clinical breast exams, pap smears, and pelvic exams. Women ages 50-64 are eligible for mammograms, clinical breast exams, pap smears, and pelvic exams. Other medical tests are also available, including surgical consult and biopsy of the breast.*
- *For more information, call Women's Way at (701) 328-2333 or (800) 44WOMEN, or visit their web site at <http://www.womensway.net/index2.html>.*

THE FEDERAL HEALTH COVERAGE TAX CREDIT (HCTC)

A federal income tax credit is available to help certain trade dislocated workers and early retirees, and their dependents, buy qualified health insurance coverage. The Health Coverage Tax Credit (HCTC) covers 65% of the insurance premium for qualified coverage. Under this program, you can either claim the tax credit at the end of the year on your tax return or you can elect to have the money paid directly to your qualified health plan each month by the Internal Revenue Service.

WHEN AM I ELIGIBLE FOR THE HCTC?

- *To be eligible for the tax credit, you must be receiving Trade Adjustment Assistance (TAA) benefits or retirement benefits from the PBGC. If you are receiving PBGC benefits, you also must be at least 55 years old.*
- *In addition, you must meet other requirements. Specifically, you are not eligible for the HCTC if any of the following apply to you:*
 - *You have a health plan maintained by an employer or former employer that pays at least 50% of the cost of your coverage. Any share of your premium that is paid by you or your spouse on a pre-tax basis is considered to have been paid by your employer and must be included as such when determining the percentage of employer coverage.*
 - *You are enrolled in Medicare (Part A or B).*
 - *You are enrolled in the Federal Employees Health Benefits Program (FEHBP), Medicaid, or State Children's Health Insurance Program (SCHIP).*
 - *You are entitled to health coverage through the U.S. military health system (Tricare/CHAMPUS).*

- *You can be claimed as a dependent on someone else's federal tax return.*
- *You received a lump sum payment of your entire PBGC benefit before August 6, 2002.*
- *As of the first day of the current month in which you are otherwise eligible, you are imprisoned under a federal, state or local authority.*
- *HCTC may apply to your family, too.* If you are eligible, you can use the credit to help purchase qualified health coverage for your qualified family members. Qualified family members are your spouse and dependents that you can claim on your federal tax return. Family members are not eligible if they are enrolled in another group health plan where the employer pays at least 50% of the cost of coverage, or in Medicaid, SCHIP, FEHBP, Tricare/CHAMPUS.
- *Eligibility for HCTC is not based on income.* In addition, the HCTC is refundable. This means you can claim the credit even if you do not earn enough income to owe federal income tax.

HOW MUCH OF MY HEALTH COVERAGE COST WILL THE TAX CREDIT COVER?

- *The HCTC is equal to 65% of health insurance premiums for qualified health insurance coverage.*

WHAT HEALTH COVERAGE IS ELIGIBLE FOR THE TAX CREDIT?

- *The HCTC can only be used to help pay for "qualified" health coverage. Qualified health coverage includes:*
 - *COBRA continuation coverage, as long as your employer or former employer contributes less than 50% of the total health plan premium. (See Chapter 3 for COBRA and state continuation coverage.)*
 - *Individual health insurance in which you were enrolled for at least the last 30 days before you were separated from the job that makes you eligible for TAA benefits or for payments from the PBGC.*
 - *Your husband's or wife's insurance from work, as long as the employer contributes less than 50% of the total health plan premium. (At this time, you can only claim the credit with this type of coverage when you file your federal tax return and not in advance.)*
 - *State qualified plan: At this time, North Dakota has designated CHAND coverage as a state qualified health plan.*

HOW DO I CLAIM THE HCTC?

- *You can claim the HCTC on your tax return and be reimbursed for 65% of the premium you paid for qualified coverage while you were eligible for the HCTC. Currently, this is the only way to claim the HCTC if your qualified health plan is provided through a spouse's employer.*
- *Alternatively, you can choose to have your credit sent directly to your qualified health plan each month. To do this, you must register with the HCTC customer service center by calling 1-866-628-HCTC (1-866-628-4282), Monday through Friday between the hours of 7 am and 7 pm, Central time. TDD/TYY callers, please call 1-866-626-HCTC (1-866-626-4282).*
- *You will have to fill out a registration form verifying your eligibility for the HCTC and your enrollment in qualified coverage. You will also fill out a payment invoice. Each month, you will send the HCTC program your 35% share of the premium for qualified coverage. The HCTC program will combine this payment with the tax credit covering the other 65% of the premium and forward the entire payment to your qualified health plan.*
- *You must register in advance to have the HCTC paid directly to your health plan each month. Usually, the direct payments won't begin until at least a month after you register with the HCTC program. Call the HCTC customer service center for more information.*

WHERE CAN I GET MORE INFORMATION?

- *For more information about the HCTC, contact the HCTC customer service center at 1-866-628-HCTC, or see the IRS website at <http://www.irs.gov/individuals/index.html> (click on HCTC)*
- *For more information about TAA benefits contact, http://www.doleta.gov/tradeact/2002act_summary.asp.*
- *For more information about PBGC, contact, <http://www.pbgc.gov> or call 1-202-326-4000 with general inquiries.*

FOR MORE INFORMATION...

As a summary, this guide will not answer every question for every person in every circumstance. In addition, it is not a substitute for legal advice. If you have more questions, contact the agencies listed below or consult an attorney.

For questions about:	Contact:
Individual health insurance Fully insured group health insurance State continuation coverage Conversion coverage	<i>North Dakota Department of Insurance</i> (800) 247-0560 (in-state only) (701) 328-2440 http://www.state.nd.us/ndins/
Self-insured group health plans COBRA continuation coverage Family and Medical Leave Act	<i>U.S. Department of Labor</i> (816) 426-5131 (Kansas City Regional Office) (314) 539-2693 (St. Louis District Office), or <i>U.S. Department of Labor, Division of Technical Assistance and Inquiries, Washington, D.C.</i> (202) 219-8776 <i>For Department of Labor publications:</i> (800) 998-7542 http://www.dol.gov/dol/pwba
Comprehensive Health Association of North Dakota (CHAND)	<i>Blue Cross Blue Shield of North Dakota</i> (800) 737-0016 (701) 277-2271 http://www.chand.org
Medicaid Children's Special Health Services Healthy Steps (Children's Health Insurance Plan)	<i>North Dakota Department of Human Services, Medical Services</i> (800) 755-2604 (In-state only) (701) 328-2321 (701) 328-8950 (TTY) http://www.state.nd.us/humanservices/
Caring Program for Children	<i>Blue Cross and Blue Shield of North Dakota</i> (800) 342-4718 (In-state only) (701) 277-2227 (Fargo office) http://www.bcbsnd.com/about/aff_pro_cpc.html <i>To apply, call</i> (877) 543-7669

Women's Way (Breast and Cervical Cancer Early Detection Program)	(800) 44WOMEN (701) 328-2333 http://www.womensway.net/index2.html
The Federal Health Coverage Tax Credit (HCTC)	<i>Internal Revenue Service (IRS)</i> (866) 628-HCTC http://www.irs.gov/individuals/index.html (Click on HCTC); or call HCTC customer service center

Finally, if you would like to obtain a consumer guide for a different state, visit the web at <http://www.healthinsurance.net>

HELPFUL TERMS

Affiliation Period. The time an HMO may require you to wait after you enroll and before your group coverage begins. HMOs that require an affiliation period cannot exclude coverage of pre-existing conditions under group health plans. Premiums cannot be charged during HMO affiliation periods. While HMOs in North Dakota may not use affiliation periods, they are permitted in other states. See also HMO.

Alternative Trade Adjustment Assistance (ATAA). ATAA is a benefit for workers at least 50 years old who have obtained different, full-time employment within 26 weeks of the termination of adversely-affected employment. These worker may receive 50% of the wage differential (up to \$10,000) during their 2 year eligibility period. To be eligible for the ATAA program, workers may not earn more than \$50,000 per year in their new employment. Also, the firm where the workers worked must meet certain eligibility criteria

Basic Health Plan. A standardized plan that must be offered to individuals and employers eligible to buy health insurance in North Dakota. Required coverage is identical for individuals and groups.

Certificate of Creditable Coverage. A document provided by your health plan that lets you prove you had coverage under that plan. Certificates of creditable coverage will usually be provided automatically when you leave a health plan. You can obtain certificates at other times as well. See also Creditable Coverage.

CHAND. Comprehensive Health Association of North Dakota, is the state-run program for people with high health risks (called a high risk pool). CHAND sells individual coverage to those who are HIPAA eligible and to others with serious health conditions who cannot buy affordable coverage from private health insurance companies.

COBRA. Stands for the Consolidated Omnibus Budget Reconciliation Act, a federal law in effect since 1986. COBRA permits you and your dependents to continue in your employer's group health plan after your job ends. If your employer has 20 or more employees, you may be eligible for COBRA continuation coverage when you retire, quit, are fired, or work reduced hours. Continuation coverage also extends to surviving, divorced or separated spouses; dependent children; and children who lose their dependent status under their parent's plan rules. You may choose to continue in the group health plan for a limited time and pay the full premium (including the share your employer used to pay on your behalf). COBRA continuation coverage generally lasts 18 months, or 36 months for dependents in certain circumstances. See also State Continuation Coverage.

Continuous Coverage. Health insurance coverage that is not interrupted by a break of 63 or more consecutive days. Employer waiting periods and HMO affiliation periods do not count as gaps in health insurance coverage for the purpose of determining if coverage is continuous. See also Creditable Coverage, HIPAA eligible.

Conversion. Your ability, when leaving a fully insured group health plan in North Dakota, to convert your policy to individual health insurance. In most instances, you need to use up any or state continuation coverage before you can buy a conversion policy. You are only required to be offered such coverage if your group plan offers it, or you are a former spouse or dependent child of the insured person and your coverage is terminated due to divorce or annulment. Coverage under a conversion policy probably will not be the same as under your prior group health plan, and will probably offer fewer benefits. Conversion policies are subject to the same rating restrictions as other individual policies. See also Fully Insured Group Health Plan, Modified Community Rating.

Creditable Coverage. Health insurance coverage under any of the following: a group health plan; individual health insurance; Medicare; Medicaid; CHAMPUS (health coverage for military personnel, retirees, and dependents); Federal Employees Health Benefits Program (FEHBP); Indian Health Service; Peace Corps; or a state health insurance high risk pool. See also Continuous Coverage, Group Health Plan, Individual Health Insurance.

Elimination Rider. A feature permitted in individual health insurance that excludes coverage for a specific health condition, body part or body system. Unlike pre-existing condition exclusion periods, which can be no longer than 12 months, elimination riders can last indefinitely.

Enrollment Period. The period during which all employees and their dependents can sign up for coverage under an employer group health plan. Besides permitting workers to elect health benefits when first hired, many employers and group health insurers hold an annual enrollment period, during which all employees can enroll in or change their health coverage. See also Group Health Plan, Special Enrollment Period.

Family and Medical Leave Act (FMLA). A federal law that guarantees up to 12 weeks of job protected leave for certain employees when they need to take time off due to serious illness, to have or adopt a child, or to care for another family member. When you qualify for leave under FMLA, you can continue coverage under your group health plan.

Fully Insured Group Health Plan. Health insurance purchased by an employer from an insurance company. Fully insured group health plans are regulated by North Dakota. See also Self-Insured Group Health Plans.

Genetic Information. Includes information about family history or genetic test results indicating your risk of developing a health condition. A group health plan cannot consider pre-existing (and therefore exclude coverage for) a condition about which you have genetic information, unless that health condition has been diagnosed by a health professional.

Group Health Plan. Health insurance (usually sponsored by an employer, union or professional association) that covers at least 2 employees.

Guaranteed Issue. A requirement that health plans must permit you to enroll regardless of your health status, age, gender, or other factors that might predict your use of health services. All health plans sold to small employers in North Dakota are guaranteed issue. Plans that are guaranteed issue can turn you away for other reasons.

Guaranteed Renewability. A feature in health plans that means your coverage cannot be canceled because you get sick. HIPAA requires all health insurance to be guaranteed renewable. Your coverage can be canceled for other reasons unrelated to your health status.

Health Coverage Tax Credit (HCTC). The Health Coverage Tax Credit (HCTC) is a program that can help pay for nearly two-thirds of eligible individuals' health plan premiums. In general, in order to be eligible for the health coverage tax credit, you must be 1) receiving Trade Readjustment Allowance benefits (TRA), or 2) will receive TRA benefits once your unemployment benefits are exhausted, or 3) receiving benefits under the Alternative Trade Adjustment Assistance (ATAA) program, or 4) aged 55 or older and receiving benefits from the Pension Benefit Guaranty Corporation (PBGC).

Health Insurance or Health Plan. In this guide, the term means benefits consisting of medical care (provided directly or through insurance or reimbursement) under any hospital or medical service policy, plan contract, or HMO contract offered by a health insurance company or a group health plan. It does not mean coverage that is limited to accident or disability insurance, workers' compensation insurance, liability insurance (including automobile insurance) for medical expenses, or coverage for on-site medical clinics. Health insurance also does not mean coverage for limited dental or vision benefits to the extent these are provided under a separate policy.

Health Plan Year. That calendar period during which your health plan coverage is in effect. Many group health plan years begin on January 1, while others begin in a different month.

Health Status. When used in this guide, refers to your medical condition (both physical and mental illnesses), claims experience, receipt of health care, medical history, genetic information, evidence of insurability (including conditions arising out of acts of domestic violence), and disability. See also Genetic Information.

Healthy Steps. Healthy Steps insurance is intended to meet the needs of working families, who cannot afford health insurance coverage for their children, yet earn too much to qualify for Medicaid. Coverage is available for uninsured children age 18 and younger who live in families with qualifying incomes.

HIPAA. The Health Insurance Portability and Accountability Act, sometimes known as Kassebaum-Kennedy, after the two senators who spearheaded the bill. Passed in 1996 to help people buy and keep health insurance, even when they have serious health conditions, the law sets a national floor for health insurance reforms. Since states can and have modified and expanded upon these provisions, consumers' protections vary from state to state.

HIPAA eligible. Status you attain once you have had 18 months of continuous creditable health coverage. To be HIPAA eligible, you also must have used up any COBRA or state continuation coverage available to you; you must not be eligible for Medicare, Medicaid, or a group health plan; you must not have other health insurance; and you must apply for individual health insurance within 63 days of losing your prior creditable coverage. When you are buying individual health coverage, HIPAA eligibility confers greater protections on you than you would otherwise have in North Dakota and in other states. See also COBRA, Continuous Coverage, Creditable Coverage, State Continuation Coverage.

HMO. Health maintenance organization. A kind of health insurance plan. HMOs usually limit coverage to care from doctors who work for or contract with the HMO. They generally do not require deductibles, but often do charge a small fee, called a copayment, for services like doctor visits or prescriptions.

Individual Health Insurance. Policies for people not connected to an employer group. This term also refers to coverage purchased by the self-employed for themselves (or their family members) but for no other employees. Individual health insurance are regulated by North Dakota.

Kassebaum-Kennedy. See HIPAA.

Large Group Health Plan. One with more than 50 employees.

Late Enrollment. Enrollment in a health plan at a time other than the regular or a special enrollment period. North Dakota requires fully insured small group plans to cover you if you are a late enrollee after no more than an 18 month pre-existing condition exclusion period. Late enrollees in self-insured group health plans also can be subject to a longer pre-existing condition exclusion period, although late enrollees in fully insured large group health plans cannot be subject to such an exclusion beyond 12 months. See also Special Enrollment Period.

Look Back. The maximum length of time, immediately prior to enrolling in a health plan, that can be examined for evidence of pre-existing conditions. See also Pre-existing condition.

Managed Care Plans. A kind of health insurance plan. Like an HMO, managed care plans can limit coverage to health care provided by doctors or hospitals who work for or contract with them—also called "network" providers—and therefore may limit enrollment to those people who live within a particular coverage area. Managed care plan may require you to get permission (a "referral") from your family doctor before you get care from a specialist in their network. Some managed care plans will cover your care at a lower rate if you go to a non-network provider or if you get specialty care without a referral. See also HMO.

Medicaid. A program providing comprehensive health insurance coverage and other assistance to certain low-income North Dakotans. All other states have Medicaid programs, too, though eligibility levels and covered benefits will vary.

Nondiscrimination. A requirement that group health plans not discriminate against you based on your health status. Your coverage under a group health plan cannot be denied or restricted, nor can you be charged a higher premium, due to your health status. Group health plans can restrict your coverage based on other factors (such as part time employment) that are unrelated to health status. See also Group Health Plan, Health Status.

Pension Benefit Guaranty Corporation (PBGC). PBGC is a federal government corporation established by Title IV of the Employee Retirement Income Security Act of 1974 (ERISA) to encourage the continuation and maintenance of defined benefit pension plans, provide timely and uninterrupted payment of pension benefits to participants and beneficiaries in plans covered by PBGC. It currently guarantees payment of basic pension benefits earned by American workers and retirees participating in private-sector defined benefit pension plans. The agency receives no funds from general tax revenues. Operations are financed largely by insurance premiums paid by companies that sponsor pension plans and by PBGC's investment returns.

Pre-existing condition (Group Health Plans). Any condition (either physical or mental) for which medical advice, diagnosis, care, or treatment was recommended or received within the 6-month period immediately preceding enrollment in a health plan. Pregnancy cannot be counted as a pre-existing condition. Genetic information about your likelihood of developing a disease or condition, without a diagnosis of that disease or condition, cannot be considered a pre-existing condition. Newborns, newly adopted children, and children placed for adoption covered within 30 days cannot be subject to pre-existing condition exclusions.

Pre-existing condition (CHAND). Any condition for which medical advice, diagnosis, care or treatment was recommended or received within 90 days immediately preceding enrollment in a health plan. Generally, pregnancy can be counted as a pre-existing condition by CHAND. Genetic information can also trigger a pre-existing condition exclusion under this plan.

Pre-existing condition (Individual Health Insurance). Any condition for which medical advice, diagnosis, care or treatment was recommended or received within the last six months. In North Dakota, under individual health insurance policies, pregnancy can be counted as a pre-existing condition. Genetic information can also trigger a pre-existing condition exclusion in individual health insurance.

Pre-existing condition Exclusion Period. The time during which a health plan will not pay for covered care relating to a pre-existing condition. See also Pre-existing condition.

Self-Insured Group Health Plans. Plans set up by employers who set aside funds to pay their employees' health claims. Because employers often hire insurance companies to run these plans, they may look to you just like fully insured plans. Employers must disclose in your benefits information whether an insurer is responsible for funding, or for only administering the plan. If the insurer is only administering the plan, it is self-insured. Self-insured plans are regulated by the U.S. Department of Labor, not by North Dakota.

Small Group Health Plans. Plans with at least 2 but not more than 50 employees.

Special Enrollment Period. A time, triggered by certain specific events, during which you and your dependents must be permitted to sign up for coverage under a group health plan. Employers and group health insurers must make such a period available to employees and their dependents when their family status changes or when their health insurance status changes. Special enrollment periods must last at least 30 days. Enrollment in a health plan during a special enrollment period is not considered late enrollment. See also Late Enrollment.

Standard Health Plan. A standardized plan that must be offered to individuals and employers eligible to buy health insurance in North Dakota. Required coverage is identical for individuals and groups. The standard plan is similar to many comprehensive major medical plans.

State Continuation Coverage. A program similar to COBRA for small employers. In North Dakota, if you are in a fully insured group health plan, you also have rights to continue your health coverage for up to 39 weeks when your job ends, if you had continuous coverage for the 3 months prior to your job ending and you elected coverage within 10 days of termination of coverage or from the day you were notified about continuation coverage, whichever is later. Premiums for state continuation coverage are limited to 102% of the group rate, as in COBRA. See also COBRA.

Supplemental Security Income (SSI). A program providing cash benefits to certain very low income disabled and elderly individuals. When you qualify for SSI, you generally also qualify for Medicaid. In addition, Medicaid coverage often continues for a limited time if your income increases so that you no longer qualify for SSI. See also Medicaid.

Temporary Assistance for Needy Families (TANF). A program that provides cash benefits to low income families with children. When you qualify for TANF, you generally also qualify for Medicaid. In addition, Medicaid coverage often continues for a limited time or longer if you no longer qualify for TANF. See also Medicaid.

Trade Adjustment Assistance (TAA) Program. A program authorized by the Trade Adjustment Assistance Reform Act of 2002. This program provides aid to workers who lose their job or whose hours of work and wages are reduced as a result of increased imports. The TAA Program offers six benefits and reemployment services to assist unemployed workers prepare for and obtain new suitable employment. In addition, TAA offers a significant tax credit that covers 65% of health insurance premiums for certain plans.

U.S. Department of Labor. A department of the federal government that regulates employer provided health benefit plans. You may need to contact the Department of Labor if you are in a self-insured group health plan, or if you have questions about COBRA or the Family and Medical Leave Act. See also COBRA, Family and Medical Leave Act.

Waiting Period. The time you may be required to work for an employer before you are eligible for health benefits. Not all employers require waiting periods. Waiting periods do not count as gaps in health insurance for purposes of determining whether coverage is continuous. If your employer requires a waiting period, your pre-existing condition exclusion period begins on the first day of the waiting period.