



Division of Insurance
Marcy Morrison
Commissioner of Insurance

Bill Ritter, Jr.
Governor

September 23, 2010

FOR IMMEDIATE RELEASE

Barbara J. Kelley
Executive
Director

Contact: Cameron Lewis, Colorado Division of Insurance, 303.894.2261
Chris Lines, DORA Public Information Officer, 303.894.7873

Emergency Regulation Establishes Open Enrollment Periods for "Child Only" Health Policies

The Commissioner of Insurance, Marcy Morrison, announced an emergency regulation to create mandatory open enrollment periods for carriers issuing new "child only" policies. The emergency regulation implements and defines open enrollment periods during which new "child only" policies may be purchased after September 23, 2010. The regulation is effective today.

"Without defined open enrollment periods, Colorado consumers may be left with few choices for insurance coverage for children with pre-existing conditions," Commissioner Morrison said. "By creating certain time periods during which children may be enrolled, we hope to promote broader consumer access to individual health insurance for children under the age of 19."

Some carriers expressed concerns that changes in Federal Law would allow parents to wait until a child was seriously ill before enrolling in coverage, since there was no exclusion for pre-existing conditions. Mandatory open enrollment requires all children, both healthy and those with existing medical conditions or challenges, to enroll at the same time.

Earlier this month, several companies in Colorado indicated they would discontinue offering new "child only" policies. The Division of Insurance facilitated a meeting on Sept. 17 with representatives of about a dozen carriers to begin a conversation about possible solutions. Today, the Colorado Association of Health Plans provided some input on behalf of the health plans regarding new "child only" policies.

As of September 23, 2010, the Affordable Care Act provides that group or individual insurance carriers may not exclude children under the age of 19 from coverage, regardless of their health or pre-existing conditions. The Affordable Care Act does not prohibit carriers from setting premium rates based on the health of the family and/or child.

The first open enrollment period begins today and continues until October 31, 2010. During the open enrollment period, all children under age 19 will be offered coverage on a guaranteed issue basis, without any limitations or riders based on health status.

Beginning in 2011, there will be two yearly open enrollment periods, one for the month of January and another for the month of July. The open enrollment periods do not limit the ability of a child to enroll in coverage at other times, if a qualifying event occurs, such as birth, adoption, marriage, divorce, or loss of other coverage. All carriers who offer "child only" policies will have the same open enrollment periods.

"This is an important emergency regulation that attempts to maintain the spirit and objective of national health care reform," said Commissioner Morrison.

The regulation can be found on the Division of Insurance website at:

<http://www.dora.state.co.us/insurance/regs/rb.htm>,

Regulation E-11-01 http://www.dora.state.co.us/insurance/regs/E-11-01_final.pdf

###

DORA is dedicated to preserving the integrity of the marketplace and is committed to promoting a fair and competitive business environment in Colorado. Consumer protection is our mission.