



CLIENT ADVISORY

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Illinois Health Insurance Portability and Accountability Standards

The Illinois Department of Financial and Professional Regulation-Division of Insurance has proposed amendments to the Illinois Health Insurance Portability and Accountability Act (the "Act"). These amendments establish insurer requirements for issuing a certificate of creditable coverage under certain circumstances as well as penalty provisions for health insurance issuers who fail to comply with the certification requirements.

The written certification shall include the following:

- The period of creditable coverage of the individual, including COBRA continuation provisions; and
- The waiting period, if any, for the individual for any coverage.

The health insurance issuer, offering group health insurance coverage, is required to issue such certification upon the following:

- When an individual ceases to be covered or otherwise becomes covered under the COBRA continuation provision;
- When an individual becomes covered under a COBRA continuation provision, at the time the individual ceases to be covered under that COBRA provision; and
- When a request is made on behalf of an individual, no later than 24 months after the date of cessation of the coverage as described above, whichever is later.

The certification may be provided consistent with COBRA notice continuation provisions.

An individual shall not be limited to the rights and protection of the Act due to a health insurance issuer's failure to issue a certificate of creditable coverage or the inability of an individual to produce such certificate. An individual's coverage can continue if the individual can provide proof of prior coverage under various circumstances. In addition, the health insurance issuer shall treat the individual as having a certificate of creditable coverage if the individual attests to the period of creditable coverage; the individual presents corroborating evidence of some creditable coverage during the period; and the individual cooperates with the health insurance issuer's efforts to verify the individual's coverage.

For more information please contact Popovits & Robinson at 708/479-3230.

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