

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 336
Final Reading

Introduced by Carlson, 38.

Read first time January 17, 2013

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to sickness and accident insurance; to amend
2 section 44-710, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to policies subject to the
4 federal Patient Protection and Affordable Care Act; and
5 to repeal the original section.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-710, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 44-710 (1) Except as otherwise provided by the Director
4 of Insurance and subsection (2) of this section, no policy of
5 sickness and accident insurance shall be delivered or issued for
6 delivery in this state, nor shall any endorsement, rider, or
7 application which becomes a part of any such policy be used, until a
8 copy of the form and of the premium rates and of the classification
9 of risks pertaining thereto has been filed with the Director of
10 Insurance. No policy, endorsement, rider, or application shall be
11 used until the expiration of thirty days after the form has been
12 received by the director unless the director gives his or her written
13 approval thereto prior to the expiration of the thirty-day period.
14 The thirty-day period may be extended by the director for an
15 additional period not to exceed thirty days. Notice of such extension
16 shall be ~~mailed~~sent to the insurer involved. The director shall
17 notify in writing the insurer which has filed any such form if it
18 contains benefits that are unreasonable in relation to the premium
19 charged or any provision which is unjust, unfair, inequitable,
20 misleading, or contrary to the law of this state, specifying the
21 reasons for his or her opinion, and it shall thereafter be unlawful
22 for such insurer to use such form in this state. In such notice, the
23 director shall state that a hearing will be granted within thirty
24 days upon written request of the insurer. In all other cases the
25 director shall give his or her approval. The decision of the director

1 may be appealed, and the appeal shall be in accordance with the
2 Administrative Procedure Act.

3 (2) No sickness and accident insurance policy subject to
4 the federal Patient Protection and Affordable Care Act, Public Law
5 111-148, shall be delivered or issued for delivery in this state,
6 including any policy or certificate of sickness and accident
7 insurance issued to or for associations not domiciled in this state
8 other than a certificate issued to an employee under an employee
9 benefit plan of an employer headquartered in another state where the
10 policy is lawfully issued in that state, nor shall any endorsement,
11 rider, certificate, or application which becomes a part of any such
12 policy be used until a copy of the form and of the premium rates and
13 of the classification of risks pertaining thereto has been filed with
14 and approved by the Director of Insurance. No policy, endorsement,
15 rider, or application shall be used until the expiration of thirty
16 days after the form has been received by the director unless the
17 director gives his or her written approval thereto prior to the
18 expiration of the thirty-day period. The thirty-day period may be
19 extended by the director for an additional period not to exceed
20 thirty days. Notice of such extension shall be sent to the insurer
21 involved. The director shall notify in writing the insurer which has
22 filed any such form if it contains benefits that are unreasonable in
23 relation to the premium charged or any provision which is unjust,
24 unfair, inequitable, misleading, or contrary to the law of this
25 state, specifying the reasons for his or her opinion, and it shall

1 thereafter be unlawful for such insurer to use such form in this
2 state. In such notice, the director shall state that a hearing will
3 be granted within thirty days upon written request of the insurer. In
4 all other cases the director shall give his or her approval. The
5 decision of the director may be appealed, and the appeal shall be in
6 accordance with the Administrative Procedure Act.

7 Sec. 2. Original section 44-710, Reissue Revised Statutes
8 of Nebraska, is repealed.