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Title 28@ Managed Health Care

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Division 1@ The Department of Managed Health Care

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Chapter 2@ Health Care Service Plans

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Article 6@ Appeals on Cancellation

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Section 1300.65.1@ Cancellations, Rescissions, or Nonrenewals for Reasons Other than Nonpayment of Premiums

1300.65.1 Cancellations, Rescissions, or Nonrenewals for Reasons Other than Nonpayment of Premiums

(a)

General Requirements (1) Applicability. This section shall apply to all cancellations for reasons other than for nonpayment of premiums. (2) The plan shall send a Notice of Cancellation, Rescission, or Nonrenewal for all cancellations other than cancellations due to the nonpayment of premium. At a minimum, this Notice shall contain the information set forth in California Code of Regulations, title 28, section 1300.65.1(b)(1). The Notice of Cancellation, Rescission, or Nonrenewal shall be sent to the enrollee, subscriber, or group contract holder: (A) At least 30 days before the cancellation, rescission, or nonrenewal for fraud or intentional misrepresentation of material fact pursuant to Health and Safety Code sections 1365(a)(2) or 1389.21, subject to limitations imposed by Health and Safety Code section 1389.21. (B) At least 30 days before the cancellation, rescission, or nonrenewal for a cancellation or nonrenewal pursuant to Health and Safety Code sections 1365(a)(3), (4) or (7). (C) At least 180 days before the discontinuation or termination of a contract if the cancellation or nonrenewal is due to the plan ceasing to provide or arrange for the provision of health benefits for new plan contracts in the individual or group market in this state pursuant to Health and Safety Code section 1365(a)(5). A notice sent pursuant to this subdivision shall also be sent concurrently to the Director. (D) At least 90 days before the

withdrawal of a health benefit plan from the market pursuant to Health and Safety Code section 1365(a)(6). A notice sent pursuant to this subdivision shall also be sent concurrently to the Director. (3) The plan shall send a Notice of Cancellation, Rescission, or Nonrenewal to each subscriber in a group contract unless: (A) The plan contract requires the group contract holder to promptly send any such Notice to each subscriber; and (B) The plan sends the Notice to the group contract holder designated in the plan contract. (4) The plan shall send a Notice of End of Coverage for all cancellations. This Notice shall be sent to the enrollee, subscriber, or group contract holder after the date coverage ended, and no later than five (5) calendar days after the date coverage ended. At a minimum, this Notice shall contain the information set forth in California Code of Regulations, title 28, section 1300.65.1(b)(2). (5) When required pursuant to Health and Safety Code section 1373.96(m), notice as to the availability of the right to request completion of covered services shall be part of, accompany, or be sent simultaneously with both the Notice of Cancellation, Rescission, or Nonrenewal and the Notice of End of Coverage.

(1)

Applicability. This section shall apply to all cancellations for reasons other than for nonpayment of premiums.

(2)

The plan shall send a Notice of Cancellation, Rescission, or Nonrenewal for all cancellations other than cancellations due to the nonpayment of premium. At a minimum, this Notice shall contain the information set forth in California Code of Regulations, title 28, section 1300.65.1(b)(1). The Notice of Cancellation, Rescission, or Nonrenewal shall be sent to the enrollee, subscriber, or group contract holder: (A) At least 30 days before the cancellation, rescission, or nonrenewal for fraud or

intentional misrepresentation of material fact pursuant to Health and Safety Code sections 1365(a)(2) or 1389.21, subject to limitations imposed by Health and Safety Code section 1389.21. (B) At least 30 days before the cancellation, rescission, or nonrenewal for a cancellation or nonrenewal pursuant to Health and Safety Code sections 1365(a)(3), (4) or (7). (C) At least 180 days before the discontinuation or termination of a contract if the cancellation or nonrenewal is due to the plan ceasing to provide or arrange for the provision of health benefits for new plan contracts in the individual or group market in this state pursuant to Health and Safety Code section 1365(a)(5). A notice sent pursuant to this subdivision shall also be sent concurrently to the Director. (D) At least 90 days before the withdrawal of a health benefit plan from the market pursuant to Health and Safety Code section 1365(a)(6). A notice sent pursuant to this subdivision shall also be sent concurrently to the Director.

(A)

At least 30 days before the cancellation, rescission, or nonrenewal for fraud or intentional misrepresentation of material fact pursuant to Health and Safety Code sections 1365(a)(2) or 1389.21, subject to limitations imposed by Health and Safety Code section 1389.21.

(B)

At least 30 days before the cancellation, rescission, or nonrenewal for a cancellation or nonrenewal pursuant to Health and Safety Code sections 1365(a)(3), (4) or (7).

(C)

At least 180 days before the discontinuation or termination of a contract if the cancellation or nonrenewal is due to the plan ceasing to provide or arrange for the provision of health benefits for new plan contracts in the individual or group market in this state pursuant to Health and Safety Code section 1365(a)(5). A notice sent pursuant to this subdivision shall also be sent concurrently to the Director.

(D)

At least 90 days before the withdrawal of a health benefit plan from the market pursuant to Health and Safety Code section 1365(a)(6). A notice sent pursuant to this subdivision shall also be sent concurrently to the Director.

(3)

The plan shall send a Notice of Cancellation, Rescission, or Nonrenewal to each subscriber in a group contract unless: (A) The plan contract requires the group contract holder to promptly send any such Notice to each subscriber; and (B) The plan sends the Notice to the group contract holder designated in the plan contract.

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The plan contract requires the group contract holder to promptly send any such Notice to each subscriber; and

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The plan sends the Notice to the group contract holder designated in the plan contract.

(4)

The plan shall send a Notice of End of Coverage for all cancellations. This Notice shall be sent to the enrollee, subscriber, or group contract holder after the date coverage ended, and no later than five (5) calendar days after the date coverage ended. At a minimum, this Notice shall contain the information set forth in California Code of Regulations, title 28, section 1300.65.1(b)(2).

(5)

When required pursuant to Health and Safety Code section 1373.96(m), notice as to the availability of the right to request completion of covered services shall be part of, accompany, or be sent simultaneously with both the Notice of Cancellation, Rescission, or Nonrenewal and the Notice of End of Coverage.

(b)

Elements of Notices: (1) Notice of Cancellation, Rescission, or Nonrenewal The

Notice of Cancellation, Rescission, or Nonrenewal shall comply with all applicable federal and state requirements, and shall include all of the following: (A) The title "Notice of Cancellation, Rescission, or Nonrenewal" displayed in 20-point bolded font at the top of the first page of the notice; (B) The name and contact information for the enrollee, subscriber, or group contract holder; (C) For all contracts issued in the individual market, the names of all enrollees affected by the notice; (D) The date of the notice; (E) Reason for the cancellation, rescission, or nonrenewal; (F) Effective date of the cancellation, rescission, or nonrenewal, expressed as a month, day and year; (G) The notice of grievance rights in accordance with Health and Safety Code section 1365(b) as set forth in California Code of Regulations, title 28, section 1300.65.5; and (H) Any notice required under Health and Safety Code section 1366.50. (2) Notice of End of Coverage The Notice of End of Coverage shall comply with all applicable federal and state requirements, and shall include all of the following: (A) The title "Notice of End of Coverage" displayed in 20-point bolded font at the top of the first page of the notice; (B) The name and contact information for the enrollee, subscriber, or group contract holder; (C) For all contracts issued in the individual market, the names of all enrollees affected by the notice; (D) The date of the notice; (E) The effective date of cancellation, rescission, or nonrenewal, expressed as a month, day and year; (F) The reason for cancellation, rescission, or nonrenewal; (G) The notice of grievance rights in accordance with Health and Safety Code section 1365(b) as set forth in California Code of Regulations, title 28, section 1300.65.5; (H) Any notice required under Health and Safety Code section 1366.50; and (I) The following statement: "To learn about new coverage or whether your coverage can be reinstated, contact [health plan] at [contact information]."

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The title "Notice of Cancellation, Rescission, or Nonrenewal" displayed in 20-point bolded font at the top of the first page of the notice;

(B)

The name and contact information for the enrollee, subscriber, or group contract holder;

(C)

For all contracts issued in the individual market, the names of all enrollees affected by the notice;

(D)

The date of the notice;

(E)

Reason for the cancellation, rescission, or nonrenewal;

(F)

Effective date of the cancellation, rescission, or nonrenewal, expressed as a month, day and

year;

(G)

The notice of grievance rights in accordance with Health and Safety Code section 1365(b) as set forth in California Code of Regulations, title 28, section 1300.65.5; and

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Any notice required under Health and Safety Code section 1366.50.

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Notice of End of Coverage The Notice of End of Coverage shall comply with all applicable federal and state requirements, and shall include all of the following: (A) The title "Notice of End of Coverage" displayed in 20-point bolded font at the top of the first page of the notice; (B) The name and contact information for the enrollee, subscriber, or group contract holder; (C) For all contracts issued in the individual market, the names of all enrollees affected by the notice; (D) The date of the notice; (E) The effective date of cancellation, rescission, or nonrenewal, expressed as a month, day and year; (F) The reason for cancellation, rescission, or nonrenewal; (G) The notice of grievance rights in accordance with Health and Safety Code section 1365(b) as set forth in California Code of Regulations, title 28, section 1300.65.5; (H) Any notice required under Health and Safety Code section 1366.50; and (I) The following statement: "To learn about new coverage or whether your coverage can be reinstated, contact [health plan] at [contact information]."

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The title "Notice of End of Coverage" displayed in 20-point bolded font at the top of the first page of the notice;

(B)

The name and contact information for the enrollee, subscriber, or group contract holder;

(C)

For all contracts issued in the individual market, the names of all enrollees affected by the notice;

(D)

The date of the notice;

(E)

The effective date of cancellation, rescission, or nonrenewal, expressed as a month, day and year;

(F)

The reason for cancellation, rescission, or nonrenewal;

(G)

The notice of grievance rights in accordance with Health and Safety Code section 1365(b) as set forth in California Code of Regulations, title 28, section 1300.65.5;

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The following statement: "To learn about new coverage or whether your coverage can be reinstated, contact [health plan] at [contact information]."