

Bulletin 323

CONTINUITY OF HEALTH INSURANCE: WAITING PERIODS NOT COUNTED AS BREAK IN COVERAGE

The final paragraph of Title 24-A M.R.S.A. Section 2848(1-B) provides: For purposes of this subsection, a "period of continuing federally creditable coverage" means a period in which an individual has maintained federally creditable coverage through one or more plans or programs, with no break in coverage exceeding 63 days. In calculating the aggregate length of a period of continuing federally creditable coverage that includes one or more breaks in coverage, only the time actually covered is counted. A waiting period is not counted as a break in coverage if the individual has other federally creditable coverage during this period. For purposes of this subsection and subsection 1-C, "group health plan" has the same meaning as specified in the federal Public Health Service Act, Title XXVII, Section 2791(a). [Emphasis added.]

It should be noted that, while the italicized sentence only addresses situations where the individual has other federally creditable coverage, a waiting period is not counted as a break in coverage regardless of whether the individual had other coverage. This interpretation is consistent with the intent of the law and with the requirements of federal law. The Superintendent will apply this interpretation in enforcing Section 2848.

March 9, 2004
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Superintendent of Insurance

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