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Director of Insurance

REGULATORY BULLETIN 2008-03¹

TO: Life and Disability Insurers, Health Care Services Organizations, Hospital, Medical, Dental, and Optometric Service Corporations, Life and Health Insurance Administrators, Third Party Intermediaries, Insurance Producers, Professional Associations and Interested Parties.

FROM: Christina Urias
Director

DATE: March 27, 2008

RE: **Uniform Employee Health Status Questionnaire**

Introduction

In 2007, the Arizona Legislature passed House Bill 2134 [Laws 2007, Ch. 67] requiring the Director of Insurance ("Director") to prescribe a uniform employee health status questionnaire (Uniform Questionnaire.) Accountable health plans (AHPs) will use the Uniform Questionnaire to gather employee health information when a small employer² applies for health care insurance. The key provisions of HB 2134 include:

- Defining "uniform employee health status questionnaire" as a "questionnaire that poses questions about an individual employee or covered dependent's health history and that is to be completed by the individual employee or covered dependent of a small group that seeks health insurance coverage from an accountable health plan." ARS §20-2305(F).
- Requiring the Director to appoint a committee of at least nine members who are knowledgeable about health insurance to review questionnaires currently used by AHPs and develop the Uniform Questionnaire. ARS §§20-2305(A) and (B).
- Requiring all AHPs to begin using the Uniform Questionnaire by January 1, 2009. ARS §20-2305(C).

The purpose of this Regulatory Bulletin is to prescribe the Uniform Employee Health Status Questionnaire as required by ARS §20-2305(C) and to provide implementation and compliance guidelines to the AHPs and producers who use it.

¹This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the Agency, and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the Statement.

²"Small employer" means an employer who employs at least two but not more than fifty eligible employees on a typical business day during any one calendar year. As used in this paragraph, "employee" shall include the employees of the employer and the individual proprietor or self-employed person if the employer is an individual proprietor or self-employed person. ARS §20-2301(A)(21).

Who Must Use the Uniform Questionnaire

HB 2134 does not require any AHP to obtain health status information from a small employer that applies to the AHP for health insurance. As a result, those statutes do not require an AHP to use this Uniform Questionnaire in the small employer application process.

Beginning January 1, 2009, however, an AHP that does obtain health status information from any small employer must use the Uniform Questionnaire to do so. ARS §§20-2305(C) and 20-2306. The size of the small group (for example, whether the AHP uses the form for groups of 2 to 15 employees, 10 to 25 employees or 26 to 50 employees) does not matter.

An AHP must require its employed or contracted producers to use this Uniform Questionnaire and must not accept any different form from a producer. As a practical matter, therefore, a producer will need to use this Uniform Questionnaire to gather health status information that he or she provides to an AHP.

Implementation Date

Every AHP **must** use the Uniform Questionnaire **on and after January 1, 2009**.

Every AHP may start using it immediately.

How to Obtain the Uniform Questionnaire

The Uniform Questionnaire is available on the ADOI website as a non-alterable PDF document titled "Employee and Family Medical Questionnaire" [www.id.state.az.us/consumerbusiness.html#health]. Any PDF user can download it and either (a) fill it out electronically, or (b) print it and fill it out by hand.

How to Use the Uniform Questionnaire

An AHP or a producer that uses the Uniform Questionnaire or requests any information on the Uniform Questionnaire must use the form exactly as it appears on the Department's website. An AHP or producer is **not allowed to:**

- Add to or subtract from the Uniform Questionnaire, except to add questions allowed by ARS §20-2306(B). See "Asking Additional Questions" below.
- Incorporate the Uniform Questionnaire, in whole or in part, into another Uniform Questionnaire or document.
- Use any other Uniform Questionnaire to request information that the producer can obtain by using this Uniform Questionnaire.
- Change the Uniform Questionnaire in any way except to add questions on the Appendix allowed by ARS §20-2306(B). For example, an AHP or producer is not allowed to add the name of their health plan, change the font type or type size, underline any part of the Uniform Questionnaire, add or remove boxes, "bold" or "unbold" any wording (language was original), spread the Uniform Questionnaire across a different number of pages, etc.

No AHP is required to file the Uniform Questionnaire for approval before using it.

An AHP shall accept a copy of the Uniform Questionnaire as though it was an original.

By January 1, 2009, an AHP that uses the Uniform Questionnaire must develop and implement the necessary policies and procedures to correctly use the form.

An AHP shall consider information in a Uniform Questionnaire current for no fewer than 60 days after the employee signs. During that time, an AHP may not require an employee to fill out the Uniform Questionnaire again or affirm that the information is current. An AHP may accept and use new information or an updated Uniform Questionnaire at any time that an employee provides it.

Asking Additional Questions

ARS §20-2306(B) provides “(a)n accountable health plan may add to the questionnaire additional questions which pertain to eligibility for coverage and for underwriting purposes and may ask the producer or the employees and dependents follow-up questions about their responses to the uniform employee health status questionnaire.”

An AHP that wants to “add to the questionnaire additional questions which pertain to eligibility for coverage and for underwriting purposes” may do so by creating an attachment for the form and labeling the attachment “Uniform Questionnaire Appendix.” An AHP must not use these additional questions to ask about anything that the Uniform Questionnaire already covers.

An AHP that wants to “ask the producer or the employees and dependents follow-up questions about their responses to the uniform employee health status questionnaire” may do so without any format restrictions. An AHP may ask follow-up questions about responses to the Uniform Questionnaire itself or to the Uniform Questionnaire Appendix.

Any person may view this regulatory bulletin on the Department’s website [www.id.state.az.us/bulletin.html]. For any questions regarding this bulletin, please contact Karen Duffy, Insurance Analyst, at 602-364-2393 or kduffy@azinsurance.gov