*** § 3240. Student accident and health insurance.** (a) In this section:

(1)(A) "Student accident and health insurance" means a policy or contract of hospital, medical, or surgical expense insurance delivered or issued for delivery in this state on or after January first, two thousand fourteen, by an insurer or a corporation, to an institution of higher education covering students enrolled in the institution and the students' dependents.

(B) "Student accident and health insurance" shall not include:

(i) a policy or contract that provides limited scope dental or vision benefits meeting the definition of "excepted benefits" set forth in section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c);

(ii) an accident policy or contract that provides benefits meeting the definition of "excepted benefits" set forth in section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c), if the policy or contract:

(I) is limited to coverage for intercollegiate sports injuries only;

(II) provides benefits to diagnose and treat any intercollegiate sports injury and does not include a benefit dollar maximum amount per injury that is less than the overall benefit dollar maximum amount per student under the intercollegiate sports injury policy or contract;

(III) provides benefits on an expense incurred basis;

(IV) provides that premiums are paid in full by the institution of higher education;

(V) includes prominent disclosure to the student that the accident policy is not a substitute for comprehensive hospital and medical coverage;

(VI) provides coverage for intercollegiate sports injuries primary to any student accident and health insurance policy or contract or any student health plan issued pursuant to section one thousand one hundred twenty-four of this chapter; except that a policy or contract meeting the requirements of this item may be excess or secondary to any other policy or contract of accident and health insurance; and

(VII) includes a maximum benefit amount that is no less than the deductible under the separate athletic association policy or contract if designed to coordinate with a separate policy or contract issued to an athletic association that extends coverage for intercollegiate sports injuries;

(iii) an accident policy or contract that provides benefits meeting the definition of "excepted benefits" set forth in section 2791 of the public health service act, 42 U.S.C. § 300gg-91(c)(1)(A), if the policy or contract:

(I) is limited to transportation expenses in the event an insured student incurs a covered sickness or accident, including transportation expenses for a medical escort to travel with the student and transportation expenses for returning the student to the student's domicile;

(II) provides that premiums are paid in full by the institution of higher education;

(III) covers students enrolled in the institution of higher education;

(IV) includes prominent disclosure to the student that the accident policy is not a substitute for comprehensive hospital and medical coverage; and

(V) provides coverage for a period of twelve months; or

(iv) an insurance policy, contract, or certificate that provides hospital, medical, or surgical expense coverage for a student while studying outside the United States for a period of twelve months or less that is issued to a student, provided that the student is also covered by comprehensive hospital and medical coverage within the United States and the insurance policy, contract, or certificate:

(I) is subject to the requirements of subsections (b), (c), (d), (e), (h), and (i) of this section;

(II) meets the definition of "expatriate health plan" set forth in 42 U.S.C. § 18014(d)(2);

(III) excludes coverage within the United States;

(IV) may offer coverage for global evacuation and repatriation in the event of the insured student's sickness or accident; and

(V) may offer coverage for trip cancellation, trip interruption, baggage, personal effects, or global evacuation and repatriation, including evacuation in the event of a natural or man-made disaster, such as an epidemic, political event, war, terrorist act, riot, or civil insurrection, pursuant to section three thousand four hundred fifty-two of this chapter.

(2) "Institution of higher education" or "institution" shall have the meaning set forth in the higher education act of 1965, 20 U.S.C. § 1001.

(3) "Insurer" means an insurer licensed to write accident and health insurance pursuant to this chapter.

(4) "Corporation" means a corporation organized in accordance with article forty-three of this chapter.

(5) "Intercollegiate sport" means a sport that has been designated as an intercollegiate sport by the institution of higher education in which a student is enrolled and that is organized or sponsored by an institution of higher education.

(6) "Intercollegiate sports injury" means an injury sustained by a student member of an athletics team during participation in an intercollegiate sport.

(b) An insurer or corporation shall not impose any pre-existing condition exclusion in a student accident and health insurance policy or contract. An insurer or corporation shall not condition eligibility, including continued eligibility, for a student accident and health insurance policy or contract on health status, medical condition, including both physical and mental illnesses, claims experience, receipt of health care, medical history, genetic information, evidence of insurability, including conditions arising out of acts of domestic violence, or disability.

(c) An insurer or corporation shall condition eligibility including continuing eligibility, on the covered individual being enrolled as a student in an institution of higher education to which the student accident and health insurance policy or contract is issued.

(d) A student accident and health insurance policy or contract shall provide coverage for essential health benefits as defined in subsection (a) of section three thousand two hundred seventeen-i or subsection (a) of section four thousand three hundred six-h of this chapter, as applicable.

(e) An insurer or corporation shall not refuse to renew or otherwise terminate a student accident and health insurance policy or contract except for one or more of the reasons set forth in:

(1) subparagraphs (A), (B), (D) or (G) of paragraph two of subsection (p) of section three thousand two hundred twenty-one of this article; or

(2) subparagraphs (A), (B), (D) or (G) of paragraph two of subsection (j) of section four thousand three hundred five of this chapter.

(f) Other than the provisions herein also required by article

forty-three of this chapter, this section shall not apply to coverage under a student health plan issued pursuant to section one thousand one hundred twenty-four of this chapter.

(g) The superintendent may promulgate regulations regarding student accident and health insurance, which may include minimum standards for the form, content and sale of the policies and contracts and, notwithstanding the provisions of section three thousand two hundred thirty-one and four thousand three hundred eight of this chapter, the establishment of rating methodology to be applied to the policies and contracts; provided that any such regulations shall be no less favorable to the insured than that which is provided under federal law and state law applicable to individual insurance.

(h) The ratio of benefits to premiums shall be not less than eighty-two percent as calculated in a manner to be determined by the superintendent.

(i) Every insurer or corporation shall report to the superintendent annually, on a date specified by the superintendent in a regulation, claims experience and other data in a manner acceptable to the superintendent that shall demonstrate the insurer's or corporation's compliance with the applicable rules and regulations, including the minimum loss ratio required by subsection (h) of this section. Failure to comply with subsection (h) of this section is subject to corrective action, which may include the submission, to the superintendent, of an appropriate rate filing or form and rate filing to reduce future premiums, increase benefits, issue dividends, issue premium refunds or credits, or any combination of these such that the minimum loss ratio can reasonably be expected to be achieved.

(j) With respect to benefits for treatment relating to an intercollegiate sports injury, as defined in paragraph six of subsection (a) of this section, a policy or contract of student accident and health insurance or a student health plan issued pursuant to section one thousand one hundred twenty-four of this chapter shall be secondary to a separate accident policy or contract meeting the requirements of clauses (I) through (VII) of item (ii) of subparagraph (B) of paragraph one of subsection (a) of this section.

* NB There are 2 § 3240's