

Bulletin 22-04

To: Health Insurers
From: Larry Deiter, Director
Date: June 30, 2022
Re: Blanket Student Accident-Type Coverage

The Division of Insurance has reviewed the laws and prior positions regarding the offering of blanket student accident-type coverage in conjunction with laws regulating coordination of health benefits.

These provisions have previously been interpreted to prohibit these types of products from being "always excess" or "always secondary" to other health plans offering health coverage. This past interpretation has resulted in a narrowing of active market participants for this product over time and the use of antiquated policy forms which predate the coordination of benefits requirements.

After reviewing SDCL Ch. 58-18A and Bulletin 08-04, companies that offer plans under SDCL 58-18A-59(5) will be allowed to provide "excess only" coverage. Companies can begin filing these products for review immediately via SERFF.