



Division of Insurance



SOUTH DAKOTA
DEPT. OF **LABOR**
& **REGULATION**

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2024 Health Care Open Enrollment Started Nov. 1

The Affordable Care Act (ACA) open enrollment period for plan year 2024 coverage runs from Nov. 1, 2023, to Jan. 15, 2024, for consumers with individual policies.

Open enrollment offers South Dakotans the opportunity to review and purchase health insurance coverage from options available in the general market, as well as the federally facilitated exchange known as [the Marketplace](#).

Avera Health Plans, Sanford Health Plan, and Wellmark Blue Cross Blue Shield of South Dakota are approved by the Division to sell individual comprehensive health policies (aka Qualified Health Plans [QHP]) in the Marketplace during 2024 open enrollment. Avera Health Plans and Sanford Health Plan will have Health Maintenance Organization (HMO) plans and Preferred Provider Organization (PPO) plans available across all of South Dakota. Wellmark Blue Cross Blue Shield of South Dakota Exclusive Provider Organization (EPO) plans are available the following counties: Bennett, Butte, Clay, Custer, Fall river, Haakon, Harding, Jackson, Jones, Lake, Lawrence, McCook, Meade, Mellette, Moody, Oglala Lakota, Pennington, Perkins, Todd, Turner, Union, and Zeibach.

Consumers are encouraged to work with your local insurance agent, licensed insurance carrier, or visit [the Marketplace](#) for information on QHPs available for plan year 2024. Consumers should ask questions about any insurance policy they are considering for purchase to ensure they will have a policy that provides complete coverage to meet their needs.

Dental coverage is available for adults and families in certain QHPs or through a stand-alone dental plan. BEST Life and Health has been approved to offer individual stand-alone dental plans in the Marketplace for plan year 2024 coverage.

Consumers should enroll by Dec. 15, 2023, to have coverage effective Jan. 1, 2024. Enrollments after Dec. 15 will have later effective dates.

Additional information on open enrollment, including consumer health insurance shopping resources, is available on the Division's website [here](#).

Review Conducted of Producer Licensing Examination Content

In September, Division of Insurance staff and insurance industry representatives joined together in Pierre to discuss producer licensing examination content.

The goal of the review workshop hosted by the examination vendor, Pearson VUE, was to review the exam subject matter to ensure the quality and appropriateness of the content in all lines of the South Dakota insurance licensing exams.

During the review, insurance producers from around the state representing all lines and qualifications offered their expertise and knowledge of the overall insurance profession and South Dakota-specific policies and practices.

Exam questions were reviewed by workshop participants to ensure the producer licensing test encompasses accurate industry and compliance knowledge that would be expected of an entry level insurance producer candidate.

Director Larry Deiter and the entire Division staff extend their thanks to the insurance producers who generously gave their time to make this exam content review a success. It could not have been completed without their efforts and support.

Securities Regulation State Investment Adviser Filings & Inquiries

State Investment Advisers are reminded annual filings or other inquiries directed to the Division of Insurance – Securities Regulation area can be submitted to insurance@state.sd.us. A descriptive subject line identifying “Securities Regulation” will help to expedite the delivery to the appropriate staff for processing.

Administrative Rules Adopted

The Division of Insurance updated rules relating to the external review process in [Chapter 20:06:53:66](#).

The effect of the rule is to remove the \$25 fee paid by a consumer when seeking an external review of an adverse determination made by a health carrier. This change will reduce barriers to filing an external review for consumers and allow the Division of Insurance to modernize and expedite the process.

Recent administrative rule changes can be viewed on the Division’s website [here](#).

Pharmacy Benefits Management Complaint Process Established

[House Bill 1135](#) from the 2023 Legislative Session established requirements relating to pharmacy benefits management (PBM) operations in South Dakota.

To ensure compliance with the PBM regulations now codified in South Dakota Codified Law (SDCL) [Chapter 58-29E](#), the Division has implemented a formal complaint process to allow for the reporting of any perceived violations of state law or rule.

Complaints can be filed if someone believes any of the following has happened:

- Failure to provide required disclosures of rebates or other revenues;
- Unauthorized direct contact with covered individual;
- Failure to comply with audit and/or disclosure of requested information by third-party payor;
- Failure to exclude certain contractual or policy requirements prohibiting disclosure of information by pharmacist or pharmacy to covered individuals;
- Charging cost share exceeding the amount retained by the pharmacy;
- Retroactively adjusting claims for reimbursement;
- Assessing, charging, attempting to collect additional remuneration or fees;
- Violating prescription drug inclusion on maximum allowable cost (MAC) list;
- Restricting access to MAC list, violating allowable timeline for MAC updates, and/or not providing notice of MAC list change; or
- Failure to reimburse pharmacy equal to PBM reimbursement of PBM affiliate.

Complaints against PBMs for violation of law or rule may be filed online [here](#).

Employment Opportunities with the Division of Insurance

The Division of Insurance currently has various open staff positions for talented, hard-working individuals looking to work in insurance and securities regulation. Persons interested in working for the State of South Dakota can view position listings [here](#).

Online Payment Option and Electronic Fingerprint Submission Offered by ATG-DCI

South Dakota Office of the Attorney General Division of Criminal Investigation (ATG-DCI) is offering a new online payment website and option to submit fingerprints electronically for bail bondsperson and bail bondsperson runner insurance producer licenses requiring a background check.

Applicants, after establishing an account, will enter the required information and pay for their background checks prior to being fingerprinted. The Division of Insurance should be identified as the agency associated with the request for the background/fingerprint check. The applicant will bring the generated receipt/confirmation page to a local livescan agency to capture fingerprints where they will be electronically submitted to DCI.

Additional information on background check requirements as well as the requirements for submitting payment online and fingerprints electronically is available [here](#).

Reminder to Update Contact Information

The South Dakota Division of Insurance reminds all producers, business entities, and companies to verify up-to-date contact information is on file with the division. Accurate contact information, including email addresses, will ensure all announcements or requests from the division are received and can be addressed in a timely manner.



Producers and Business Entities:

Producers and business entities can access and update their contact information through the [Sircon/Vertafore South Dakota Producer and Agency Portal](#) or [National Insurance Producer Registry \(NIPR\)](#).

Each portal allows producers to access various services including updating contact information, license status and renewal, as well as continuing education requirements. (Account information required to access.)

Insurance Companies:

Companies can review and update their company contact information through the “Company Address Service” portal link available on the [Division’s website](#). Contact information for the following categories can be altered through the portal:

- Complaints
- External Review
- Mailing Location
- Market Survey
- Contact PIN
- Producer Licensing
- Taxes

Companies can access the portal by entering the company’s NAIC ID and assigned PIN. Company contacts that need a PIN or are unsure if a PIN contact has been established for their company can select the “Need PIN” hyperlink available on the portal’s main page. If a PIN contact has been established, the contact name for the company will be provided. If no PIN contact is on file, please contact the division at 605.773.3563 or by email to insurance@state.sd.us.

2024 Legislative Session

The division is currently preparing for the 2024 Legislative Session officially slated to begin at noon on Jan. 9, 2024. If you wish to discuss potential legislative changes with the division prior to the legislative session, please contact our office at 605.773.3563 or by email at insurance@state.sd.us.