

IC 27-1-34

Chapter 34. Multiple Employer Welfare Arrangements

IC 27-1-34-1

"Multiple employer welfare arrangement" defined

Sec. 1. (a) As used in this chapter, "arrangement" refers to a multiple employer welfare arrangement.

(b) As used in this chapter, "multiple employer welfare arrangement" means an entity other than a duly admitted insurer that establishes an employee benefit plan for the purpose of offering or providing accident and sickness or death benefits to the employees of at least two (2) employers, including self-employed individuals and their dependents. For purposes of this subsection, two (2) employers, one (1) of which holds an ownership interest of at least fifty-one percent (51%) in the other, are considered to be one (1) employer.

As added by P.L.1-1992, SEC.149. Amended by P.L.173-2007, SEC.19.

IC 27-1-34-2

Certificate of registration

Sec. 2. (a) An arrangement must annually obtain a certificate of registration from the department under rules adopted by the commissioner.

(b) An arrangement that does not obtain a certificate of registration described in subsection (a) or violates the requirements of this chapter is subject to IC 27-4.

As added by P.L.1-1992, SEC.149.

IC 27-1-34-3

Benefits under an employee benefit plan

Sec. 3. An arrangement may provide benefits under an employee benefit plan in Indiana only through an employee benefit plan that has been filed and approved by the department of insurance.

As added by P.L.1-1992, SEC.149.

IC 27-1-34-4

Annual statement

Sec. 4. An arrangement shall file an annual statement on a form prescribed by the commissioner.

As added by P.L.1-1992, SEC.149.

IC 27-1-34-5

Application of insurance law

Sec. 5. Except as provided by this chapter and by IC 27-9, Indiana insurance law does not apply to the operation of multiple employer welfare arrangements.

As added by P.L.1-1992, SEC.149.

IC 27-1-34-6

Examination of arrangements; revocation or suspension of certificate of registration

Sec. 6. (a) It shall be the duty of the department to examine every domestic multiple employer welfare arrangement at least every five (5) years or as often as the department in its discretion may deem necessary. The expense of the examination and or investigations of such arrangements shall be paid by the arrangement so examined.

(b) The commissioner shall revoke or suspend:

(1) the certificate of registration to do business in Indiana of any multiple employer welfare arrangement which refuses to permit such examination described in subsection (a); and

(2) any certificate of registration when any condition prescribed by law or regulation for the issuance or continuance of the certificate no longer exists.

As added by P.L.1-1992, SEC.149.

IC 27-1-34-7

Insolvency; notification of department

Sec. 7. If any domestic multiple employer welfare arrangement is insolvent or in imminent danger of insolvency, or fails or suspends operation between periods of examination authorized, it is a class A misdemeanor for the highest officer then actively in charge of such multiple employer welfare arrangement to knowingly fail to notify the department immediately of such condition, failure, or suspension.

As added by P.L.1-1992, SEC.149.

IC 27-1-34-8

Reinsurers and insurance producers; multiple employer welfare arrangement

Sec. 8. (a) A reinsurer may not issue a policy of insurance to a multiple employer welfare arrangement that does not have a certificate of registration from the department.

(b) An insurance producer licensed by the department may not solicit, offer, or provide coverage through a multiple employer welfare arrangement that does not have a certificate of registration from the department.

(c) A reinsurer or insurance producer who knows or reasonably should have known that the arrangement does not have a current certificate of registration is liable for any claims for benefits that are due and unpaid.

As added by P.L.1-1992, SEC.149. Amended by P.L.178-2003, SEC.30.

IC 27-1-34-9

Rules

Sec. 9. The department of insurance shall adopt rules under IC 4-22-2 necessary to implement this chapter, including but not limited to:

(1) certificate of registration requirements;

(2) reinsurance requirements;

- (3) reserve levels;
- (4) deposits;
- (5) financial reporting;
- (6) fidelity bonds; and
- (7) the operations;

of multiple employer welfare arrangements.

As added by P.L.1-1992, SEC.149.

IC 27-1-34-10

Exemptions

Sec. 10. This chapter does not apply to a multiple employer welfare arrangement which offers or provides benefits which are fully insured by an authorized insurer or to an arrangement which is exempt under the federal Employee Retirement Income Security Act (29 U.S.C. 1001 et seq.).

As added by P.L.1-1992, SEC.149.