**20:06:13:77.  Creditable coverage.** For purposes of this chapter, creditable coverage is defined as follows:

 (1)  "Creditable coverage," with respect to an individual, coverage of the individual provided under any of the following:

 (a) A group health plan;

 (b) Health insurance coverage;

 (c) Part A or Part B of Title XVIII of the Social Security Act (Medicare);

 (d) Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under § 1928;

 (e) Chapter 55 of Title, 10 United States Code (CHAMPUS);

 (f) A medical care program of the Indian Health Service or of a tribal organization;

 (g) A state health benefits risk pool;

 (h) A health plan offered under chapter 89 of Title 5, United States Code (Federal Employees Health Benefits Program);

 (i) A public health plan as defined in federal regulation; and

 (j) A health benefit plan under § 5(e) of the Peace Corps Act (22 U.S.C. § 2504(e));

 (2)  "Creditable coverage” may not include one or more, or any combination, of the following:

 (a) Coverage only for accident or disability income insurance, or any combination;

 (b) Coverage issued as a supplement to liability insurance;

 (c) Liability insurance, including general liability insurance and automobile liability insurance;

 (d) Workers' compensation or similar insurance;

 (e) Automobile medical payment insurance;

 (f) Credit-only insurance;

 (g) Coverage for on-site medical clinics; and

 (h) Other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits;

 (3)  "Creditable coverage," may not include the following benefits if they are provided under a separate policy, certificate, or contract of insurance or are otherwise not an integral part of the plan:

 (a) Limited scope dental or vision benefits;

 (b) Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and

 (c) Any other similar, limited benefits as are specified in federal regulations;

 (4)  "Creditable coverage," may not include the following benefits if offered as independent, noncoordinated benefits:

 (a) Coverage only for a specified disease or illness; and

 (b) Hospital indemnity or other fixed indemnity insurance;

 (5)  "Creditable coverage" may not include the following if it is offered as a separate policy, certificate, or contract of insurance:

 (a) Medicare supplemental health insurance as defined under § 1882(g)(1) of the Social Security Act;

 (b) Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code; and

 (c) Similar supplemental coverage provided to coverage under a group health plan.

 **Source:** 25 SDR 44, effective September 30, 1998.

 **General Authority:** SDCL 58-17A-2(9).

 **Law Implemented:** SDCL 58-17A-2(9).