**20:06:21:37.  Reinstatement.** In addition to the notice requirement in § 20:06:21:20, a long-term care insurance policy or certificate must include a provision for reinstatement of coverage in the event of lapse if the insurer is provided proof of cognitive impairment or the loss of functional capacity. This option must be available to the insured if it is requested within five months after termination and must allow for the collection of any past due premium. The standard of proof of cognitive impairment or loss of functional capacity may not be more stringent than the benefit eligibility criteria on cognitive impairment or the loss of functional capacity, if any, contained in the policy or certificate.

**Source:** 23 SDR 55, effective October 20, 1996.

**General Authority:** SDCL 58-17B-4.

**Law Implemented:** SDCL 58-17B-4.