**20:06:40:81.  Special enrollment triggers.** A health insurance issuer offering health insurance coverage in the group market and SHOP Exchange as defined in § 20:06:55:32 must allow for an individual to enroll or change from one nongrandfathered health plan to another as a result of the following triggers:

 (1)  The death of the covered individual;

 (2)  The termination of individual's employer coverage other than by reason of gross misconduct, or reduction of hours of the covered employee's spouse;

 (3)  The divorce or legal separation;

 (4)  Individual becoming entitled to benefits under XVII of the Social Security Act;

 (5)  Dependent child ceasing to be dependent child;

 (6)  A proceeding in a case under Title 11, United States Code, commencing on or after July 1, 1986, with respect to the employer from whose employment the covered individual retired at any time;

 (7)  An individual gains a dependent or becomes a dependent through marriage, birth adoption or placement for adoption;

 (8)  An individual, who was not previously a citizen, national, or lawfully present individual gains such status; and

 (9)  A qualified individual or enrollee gains access to nongrandfathered health plan as a result of a permanent move.

 This section does not apply to grandfathered plans.

 **Source:** 39 SDR 203, effective June 10, 2013.

 **General Authority:** SDCL 58-18-79.

 **Law Implemented:** SDCL 58-18-79, 58-18-80.