

Multiple Employer Welfare Arrangement (MEWA)

Election by existing MEMAWs for the application of certain laws

_____ hereby makes an election under Texas Insurance Code Section (TIC) 846.0035 to be subject to the following laws:

- 1) If offering or seeking to offer a comprehensive health benefit plan as defined by 28 Texas Administrative Code (TAC) Section 7.1902, the MEWA must also comply with:
 - a) Insurance Code Chapter 421;
 - b) Insurance Code Chapter 422;
 - c) Insurance Code Chapter 1451, Subchapters C, F, and K; and
 - d) Insurance Code Chapter 4201.
- 2) If offering or seeking to offer a comprehensive health benefit plan that is structured in the manner of a preferred provider benefit plan or an exclusive provider benefit plan as defined in TIC Section 1301.001, the MEWA must also comply with:
 - a) Insurance Code Chapter 1301; and
 - b) Insurance Code Chapter 1467.

A MEWA that makes an election under TIC Section 846.0035 must also submit the following:

- 1) Form FIN373 or a statement substantially similar to the requirements in 28 TAC Section 7.1917(b)(1).
- 2) A detailed compliance plan addressing the following requirements:
 - Insurance Code Chapter 421;
 - Insurance Code Chapter 422;
 - Insurance Code Chapter 1451, Subchapters C, F, and K; and
 - Insurance Code Chapter 4201.
- 3) Will the MEWA provide a comprehensive health benefit plan that is structured in the manner of a preferred provider benefit plan, or an exclusive provider benefit plan as defined in Insurance Code Section 1301.001?
 Yes No

If **No**, describe the health care provider and benefit structure of the plan and explain how it does not qualify as a preferred provider benefit plan or an exclusive provider benefit plan.

If **Yes**, a detailed compliance plan addressing the following requirements:

- Insurance Code Chapter 1301; and
- Insurance Code Chapter 1467.

- 4) For each plan that will be sponsored by the applicant, an opinion from an attorney attesting to the fact that the plan is in compliance with all applicable federal and state laws must be provided. The opinion must adequately explain how each plan complies with the Employee Retirement Income Security Act of 1974 (29 United States Code Section 1001 et seq.) and the Patient Protection and Affordable Care Act (42 United States Code Section 18001 et seq.), including how each plan will comply with federal requirements applicable to large group, small group, or individual markets, as applicable.

Signature

Print name

Authorized Officer or Trustee

Date

Submission

Email filing to CLRFilings@tdi.texas.gov.

Questions

Email us at CompanyLicense@tdi.texas.gov or call **512-676-6365**.