**Section 2025.90 Certificates of Creditable Coverage**

a) A health insurance issuer shall issue a written certification, as required by Section 20(E) of the Act, that states:

1) The period of creditable coverage of the individual, including the coverage (if any) under the COBRA continuation provision; and

2) The waiting period (if any) (and affiliation period, if applicable) imposed with respect to the individual for any coverage.

b) Issuance of a Certificate

1) The certification shall be issued by a health insurance issuer offering group health insurance coverage, in the following circumstances:

A) When an individual ceases to be covered or otherwise becomes covered under a COBRA continuation provision;

B) When an individual becomes covered under a COBRA continuation provision, at the time the individual ceases to be covered under that provision; and

C) When a request is made on behalf of an individual, no later than 24 months after the date of cessation of the coverage described in subsection (b)(1) or (2), whichever is later.

2) The certification may be provided, to the extent practicable, consistent with notices required under any applicable COBRA continuation provision.

c) Failure of a health insurance issuer to issue a certificate of creditable coverage, or the inability of an individual to produce a certificate of creditable coverage, shall not limit an individual from obtaining the rights and protections provided by the Act, as long as the individual can provide reasonable proof of prior creditable coverage under the following circumstances:

1) An entity has failed to provide a certificate within the required time;

2) The individual has creditable coverage provided by an entity that is not required to provide a certificate of the coverage pursuant to the Act;

3) The individual has an urgent medical condition that necessitates a determination before the individual can deliver a certificate; or

4) The individual lost a certificate that the individual had previously received and is unable to obtain another certificate.

d) A health insurance issuer shall treat the individual as having furnished a certificate of creditable coverage under subsection (a) of this Section if:

1) The individual attests to the period of creditable coverage;

2) The individual also presents relevant corroborating evidence of some creditable coverage during the period. Relevant corroborating evidence may include, but is not limited to, the following:

A) Explanation of benefits claims;

B) Payroll stubs showing a payroll deduction for health coverage;

C) A health insurance identification card;

D) A certificate of coverage under a group health plan;

E) Records from medical care providers that indicate health coverage;

F) Third party statements verifying the period of coverage.

3) The individual cooperates with the health insurance issuer's efforts to verify the individual's coverage.

(Source: Added at 32 Ill. Reg. 4732, effective March 24, 2008)