**20:06:13:80.02.  Extended medigap access for interrupted trial periods.**

 (1)  In the case of an individual described in subdivision 20:06:13:80(5) (or deemed to be so described, pursuant to this subsection) whose enrollment with an organization or provider described in subdivision 20:06:13:80(5)(a) is involuntarily terminated within the first twelve (12) months of enrollment, and who, without an intervening enrollment, enrolls with another such organization or provider, the subsequent enrollment shall be deemed to be an initial enrollment described in subdivision 20:06:13:80(5);

 (2)  In the case of an individual described in subdivision 20:06:13:80(6) (or deemed to be so described, pursuant to this subsection) whose enrollment with a plan or in a program described in subdivision 20:06:13:80(6) is involuntarily terminated within the first twelve (12) months of enrollment, and who, without an intervening enrollment, enrolls in another such plan or program, the subsequent enrollment shall be deemed to be an initial enrollment described in subdivision 20:06:13:80(6); and

 (3)  For purposes of subdivisions 20:06:13:80(5) and (6), no enrollment of an individual with an organization or provider described in subdivision 20:06:13:80(5)(a), or with a plan or in a program described in subdivision 20:06:13:80(6), may be deemed to be an initial enrollment under this subsection after the two-year period beginning on the date on which the individual first enrolled with such an organization, provider, plan, or program.

 **Source:** 28 SDR 157, effective May 19, 2002.

 **General Authority:** SDCL 58-17A-2(2)(9)(16).

 **Law Implemented:** SDCL 58-17A-2(2)(9)(16).