**20:06:39:05.  Standards for determinations on length of preexisting waiting periods.** A carrier must determine whether an individual is eligible for coverage pursuant to SDCL 58-17-85. In making that determination a carrier must use reasonable diligence. Reasonable diligence may include questions on an application for insurance designed to elicit information on the individual’s eligibility for coverage under SDCL 58-17-85. A carrier may not use the absence of a certificate as required by § 20:06:39:04 or 20:06:40:03 as the only method for determining eligibility for coverage pursuant to SDCL 58-17-85. The carrier must take into account all information presented by the individual. The carrier must consider the individual to have furnished a certificate if the individual attests to the period of creditable coverage, the individual presents relevant corroborating evidence of some creditable coverage during the period, and the individual cooperates with the carrier’s efforts to verify the individual’s coverage. The provisions of this section also apply to complete or partial waivers of preexisting condition waiting periods.

**Source:** 24 SDR 35, effective September 29, 1997.

**General Authority:** SDCL 58-17-87(2).

**Law Implemented:** SDCL 58-17-84, 58-17-85, 58-17-87.