**20:06:47:06.  Appeal of adverse benefit determination.** Any plan providing disability benefits, upon receipt of an appeal of an adverse benefit determination, shall notify a covered person or, if applicable, the covered person's authorized representative, of the benefit determination within a reasonable time period, but not later than 45 days after receipt of the request, without regard to whether all the information necessary to make a benefit determination accompanies the filing. This time period for making a determination and notifying the covered person of the covered person's authorized representative may be extended for up to 45 days when necessary due to matters beyond the control of the plan. If the plan is unable to render a determination within the 45 days, the plan must notify the covered person in writing, prior to the end of the initial 45-day period of that fact, and include the following:

 (1)  The special circumstances requiring an extension of time; and

 (2)  The date by which the plan expects to render a determination.

 The time period for extensions due to the covered person's failure to submit information necessary to decide a claim shall be tolled from the date on which the notification of the extension is sent until the date on which the covered person responds to the request for additional information.

 **Source:** 30 SDR 39, effective September 28, 2003; 37 SDR 241, effective July 1, 2011.

 **General Authority:** SDCL 58-17H-49.

 **Law Implemented:** SDCL 58-17H-49.