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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO INSURANCE - ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representatives McLaughlin, Barros, MacBeth, Shekarchi, and
Maldonado

Date Introduced: May 20, 2015

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-18-79 of the General Laws in Chapter 27-18 entitled "Accident
2 and Sickness Insurance Policies" is hereby amended to read as follows:

3 **27-18-79. Discretionary clauses.** -- (a) No new or existing policy or certificate issued by
4 an insurer or health care entity may contain any provision:

5 (1) Purporting to reserve sole discretion to the insurer or health care entity to determine
6 eligibility for benefits or interpret the terms of a policy or certificate; or

7 (2) Specifying or affecting a standard of review upon which a court may review denial of
8 a claim or any other decision made by an insurance company with respect to a policyholder or
9 certificate holder.

10 (3) Requiring pre-authorization from a review board of the insurer and/or co-payment for
11 any medical testing employing or utilizing x-rays, magnetic resonance imaging (MRI), CAT
12 scans, or ultrasound, in cases where there is an immediate, substantial and imminent threat to the
13 person's health, provided:

14 (i) That the existence of the immediate, substantial and imminent threat to the person's
15 health is certified by a duly licensed physician in Rhode Island;

16 (ii) That the medical testing is authorized and recommended by a duly licensed physician
17 in Rhode Island; and

18 (iii) The medical testing is conducted at a medical health care facility duly licensed by the
19 Rhode Island department of health.

1 (A) As used in this section, an "immediate, substantial and imminent threat to the
2 person's health," shall include, but not be limited to, any disease, infection, injury, or other
3 condition that has, in the physician's opinion, a high likelihood of causing permanent or severe
4 injury or death.

5 (b) For purposes of this section, "health care entity" means a health insurance company
6 or nonprofit hospital or medical or dental service corporation or plan or health maintenance
7 organization which operates or administers a health plan in this state.

8 (c) Any such clause or language included in a contract, policy or certificate issued to or
9 covering a resident of this state that is contrary to or inconsistent with the provisions of this
10 section is void and unenforceable.

11 (d) Nothing in this section prohibits an insurer from including a provision in a contract
12 that informs an insured that as part of its routine operations the insurer applies the terms of its
13 contracts for making decisions, including making determinations regarding eligibility, receipt of
14 benefits and claims, or explaining policies, procedures, and processes, so long as the provision
15 could not give rise to a deferential standard of review by any reviewing court.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would prohibit an insurer or health care entity from requiring pre-authorization
2 and/or co-payments for certain medical testing prescribed by a physician where the physician
3 determines there is an immediate, substantial and imminent threat to the person's health.

4 This act would take effect upon passage.

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