

28 ENACTS:

29 **31A-22-619.6**, Utah Code Annotated 1953

30 **34A-2-213**, Utah Code Annotated 1953

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32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **31A-22-619.6** is enacted to read:

34 **31A-22-619.6. Coordination of benefits with workers' compensation claim --**
 35 **Health insurer's duty to pay -- Lien.**

36 (1) As used in this section:

37 (a) "Employee" means as employee, worker, or operative as defined in Section
 38 34A-2-104.

39 (b) "Employer" is as enumerated and defined in Section 34A-2-103.

40 (c) "Health insurer" is an "insurer" as defined in Section 31A-1-301, and includes:

41 (i) a health maintenance organization; and

42 (ii) a third party administrator that offers, sells, manages, or administers a health
 43 insurance policy or health maintenance organization contract that is subject to this title.

44 (d) "Workers' compensation claim" means a claim for compensation or benefits filed
 45 by an employee under Title 34A, Chapter 2, Workers' Compensation Act, or Title 34A,
 46 Chapter 3, Utah Occupational Disease Act.

47 (2) An employee's health insurer may not delay or deny payment of benefits due to the
 48 employee under the terms of a health benefit plan or group health, medical, or hospitalization
 49 plan by claiming that treatment for the employee's injury or disease is the responsibility of the
 50 employer's workers' compensation insurer if:

51 (a) the employee has ~~§~~→ [filed] reported ←~~§~~ a workers' compensation claim ~~§~~→ to the
 51a employer ←~~§~~ ; and

52 (b) (i) the particular workers' compensation claim has not been paid within ~~§~~→ [120] 46 ←~~§~~
 52a days

53 after the employee ~~§~~→ [filed] reported ←~~§~~ the claim ~~§~~→ [with the employer's workers'
 53a compensation carrier] to the employer ←~~§~~ ; or

54 (ii) the employee has filed an application for hearing regarding the workers'
 55 compensation claim with the Division of Adjudication under Section 34A-2-801.

56 (3) A health insurer who receives a medical claim from the employee or a health care
 57 provider in accordance with Subsection (2) shall pay the medical claim directly to the health
 58 care provider in an amount that is the lesser of: