

Part 1 General Provisions

31A-8a-101 Title.

This chapter is known as the "Health Discount Program Consumer Protection Act."

Enacted by Chapter 58, 2005 General Session

31A-8a-102 Definitions.

For purposes of this chapter:

- (1) "Fee" means any periodic charge for use of a discount program.
- (2) "Health care provider" means a health care provider as defined in Section 78B-3-403, with the exception of "licensed athletic trainer," who:
 - (a) is practicing within the scope of the provider's license; and
 - (b) has agreed either directly or indirectly, by contract or any other arrangement with a health discount program operator, to provide a discount to enrollees of a health discount program.
- (3)
 - (a) "Health discount program" means a business arrangement or contract in which a person pays fees, dues, charges, or other consideration in exchange for a program that provides access to health care providers who agree to provide a discount for health care services.
 - (b) "Health discount program" does not include a program that does not charge a membership fee or require other consideration from the member to use the program's discounts for health services.
- (4) "Health discount program marketer" means a person, including a private label entity, that markets, promotes, sells, or distributes a health discount program but does not operate a health discount program.
- (5) "Health discount program operator" means a person that provides a health discount program by entering into a contract or agreement, directly or indirectly, with a person or persons in this state who agree to provide discounts for health care services to enrollees of the health discount program and determines the charge to members.
- (6) "Value-added benefit" means a discount offering with no additional charge made by a health insurer or health maintenance organization that is licensed under this title, in connection with existing contracts with the health insurer or health maintenance organization.

Amended by Chapter 104, 2013 General Session

Amended by Chapter 135, 2013 General Session

31A-8a-103 Scope and purposes.

- (1) A person shall comply with the provisions of this chapter if the person operates a health discount program in this state.
- (2) Notwithstanding any provision in this title, a person who only operates or markets a health discount program is exempt from:
 - (a) Section 31A-4-113;
 - (b) Section 31A-4-113.5;
 - (c) Chapter 6a, Service Contracts;
 - (d) Chapter 7, Nonprofit Health Service Insurance Corporations;
 - (e) Section 31A-8-209;

- (f) Section 31A-8-211;
 - (g) Section 31A-8-214;
 - (h) Chapter 9, Insurance Fraternal, Chapter 10, Annuities, Chapter 11, Motor Clubs, and Chapter 12, State Risk Management Fund;
 - (i) Chapter 17, Determination of Financial Condition, and Chapter 18, Investments;
 - (j) Chapter 19a, Utah Rate Regulation Act;
 - (k) Sections 31A-23a-103 and 31A-23a-104;
 - (l) Chapter 25, Third Party Administrators, and Chapter 26, Insurance Adjusters;
 - (m) Chapter 28, Guaranty Associations, and Chapter 29, Comprehensive Health Insurance Pool Act; and
 - (n) Chapter 35, Bail Bond Act, Chapter 36, Life Settlements Act, Chapter 37, Captive Insurance Companies Act, and Chapter 38, Federal Health Care Tax Credit Program Act.
- (3) A person licensed under this title as an accident and health insurer or health maintenance organization:
- (a) is not required to obtain a license as required by Section 31A-8a-201 to operate a health discount program; and
 - (b) is required to comply with all other provisions of this chapter.
- (4) The purposes of this chapter include:
- (a) full disclosure in the sale of health discount programs;
 - (b) reasonable regulation of the marketing and disclosure practices of health discount program operators; and
 - (c) licensing standards for health discount programs.
- (5) Nothing in this chapter prohibits a health discount program operator from marketing a health discount program operator's own services without a health discount program marketer license.

Amended by Chapter 258, 2015 General Session