

1 **DENTAL CARE - USE OF GENERAL**

2 **ANESTHESIA**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Robert H. M. Killpack**

6 AN ACT RELATING TO INSURANCE; REQUIRING INSURANCE COVERAGE FOR
7 GENERAL ANESTHESIA AND HOSPITALIZATION FOR DENTAL CARE WHEN
8 NECESSITATED BY AGE, DISABILITY, OR MEDICAL CONDITION.

9 This act affects sections of Utah Code Annotated 1953 as follows:

10 AMENDS:

11 **31A-22-613**, as last amended by Chapter 38, Laws of Utah 1996

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

13 Section 1. Section **31A-22-613** is amended to read:

14 **31A-22-613. Permitted provisions for disability insurance policies.**

15 The following provisions may be contained in a disability insurance policy, but if they are
16 in that policy, they shall conform to at least the following minimum requirements for the
17 policyholder:

18 (1) Any provision respecting change of occupation may provide only for a lower
19 maximum benefit payment and for reduction of loss payments proportionate to the change in
20 appropriate premium rates, if the change is to a higher rated occupation, and this provision shall
21 provide for retroactive reduction of premium rates from the date of change of occupation or the
22 last policy anniversary date, whichever is the more recent, if the change is to a lower rated
23 occupation.

24 (2) Section 31A-22-405 applies to misstatement of age in disability policies, with the
25 appropriate modifications of terminology.

26 (3) Any policy which contains a provision establishing, as an age limit or otherwise, a date
27 after which the coverage provided by the policy is not effective, and if that date falls within a

1 period for which a premium is accepted by the insurer or if the insurer accepts a premium after that
2 date, the coverage provided by the policy continues in force, subject to any right of cancellation,
3 until the end of the period for which the premium was accepted. This subsection does not apply
4 if the acceptance of premium would not have occurred but for a misstatement of age by the
5 insured.

6 (4) Any provision dealing with preexisting conditions shall be consistent with Subsections
7 31A-22-605(9)(a) and 31A-22-609(2), and any applicable rule adopted by the commissioner.

8 (5) (a) If an insured is otherwise eligible for maternity benefits, a policy may not contain
9 language which requires an insured to obtain any additional preauthorization or preapproval for
10 customary and reasonable maternity care expenses or for the delivery of the child after an initial
11 preauthorization or preapproval has been obtained from the insurer for prenatal care. A
12 requirement for notice of admission for delivery is not a requirement for preauthorization or
13 preapproval, however, the maternity benefit may not be denied or diminished for failure to provide
14 admission notice. The policy may not require the provision of admission notice by only the
15 insured patient.

16 (b) This subsection does not prohibit an insurer from:

17 (i) requiring a referral before maternity care can be obtained;

18 (ii) specifying a group of providers or a particular location from which an insured is
19 required to obtain maternity care; or

20 (iii) limiting reimbursement for maternity expenses and benefits in accordance with the
21 terms and conditions of the insurance contract so long as such terms do not conflict with
22 Subsection (a).

23 (6) (a) If a disability policy covers general anesthesia and hospital charges for other
24 medical conditions, the policy shall cover general anesthesia and hospital charges related to dental
25 care to the same extent that it covers general anesthesia and hospital charges for other covered
26 conditions and subject to the same contract terms, including any preauthorization requirements,
27 if the insured:

28 (i) is a child five years of age or younger;

29 (ii) is disabled by a physical or mental impairment to an extent that general anesthesia or
30 hospitalization is necessary to provide dental care; or

31 (iii) has a medical condition that requires hospitalization or general anesthesia for dental

- 1 care treatment.
- 2 (b) General anesthesia for dental care covered under Subsection (6)(a) may be provided
- 3 in a dental office.

Legislative Review Note
as of 12-19-97 4:29 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel