

Representative Robert H. M. Killpack proposes to substitute the following bill:

DENTAL CARE - USE OF GENERAL

ANESTHESIA

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Robert H. M. Killpack

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

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

AMENDS:

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

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

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

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

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

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

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

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1 (3) Any policy which contains a provision establishing, as an age limit or otherwise, a date
2 after which the coverage provided by the policy is not effective, and if that date falls within a
3 period for which a premium is accepted by the insurer or if the insurer accepts a premium after that
4 date, the coverage provided by the policy continues in force, subject to any right of cancellation,
5 until the end of the period for which the premium was accepted. This subsection does not apply
6 if the acceptance of premium would not have occurred but for a misstatement of age by the
7 insured.

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

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

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

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

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

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

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

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

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

- 1 (c) has a medical condition that requires hospitalization or general anesthesia for dental
- 2 care treatment.