

**Representative Mary Carlson** proposes to substitute the following bill:

**HEALTH INSURERS - COVERAGE OF  
EMERGENCY MEDICAL SERVICES**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Mary Carlson**

AN ACT RELATING TO INSURANCE; ESTABLISHING A PRUDENT LAYPERSON  
STANDARD FOR COVERAGE OF EMERGENCY MEDICAL CONDITIONS; AND  
PROVIDING AN EFFECTIVE DATE.

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

ENACTS:

**31A-22-625**, Utah Code Annotated 1953

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

Section 1. Section **31A-22-625** is enacted to read:

**31A-22-625. Coverage of emergency medical services.**

(1) A health insurance policy or health maintenance organization contract may not:

(a) require any form of preauthorization for treatment of an emergency medical condition until after the insured's condition has been stabilized; or

(b) deny a claim for any evaluation, diagnostic test, or other covered treatment considered medically necessary to stabilize the emergency medical condition of an insured.

(2) A health insurance policy or health maintenance organization contract may require authorization for the continued treatment of an emergency medical condition after the insured's condition has been stabilized. If such authorization is required, an insurer who does not accept or reject a request for authorization may not deny a claim for any evaluation, diagnostic testing, or other treatment considered medically necessary that occurred between the time the request was received and the time the insurer rejected the request for authorization.

26 (3) For purposes of this section h :

26a (a) h "emergency medical condition" means a medical condition  
27 manifesting itself by acute symptoms of sufficient severity, including severe pain, such that a  
28 prudent layperson, who possesses an average knowledge of medicine and health, would reasonably  
29 expect the absence of immediate medical attention at h [~~an~~] **A HOSPITAL** h emergency h [~~treatment~~  
29a **facility, as defined**

30 ~~in rule,]~~ **DEPARTMENT** h to result in:

31 h [~~a~~] (i) h placing the insured's health, or with respect to a pregnant woman, the health of  
31a the  
32 woman or her unborn child, in serious jeopardy;

33 h [~~b~~] (ii) h serious impairment to bodily functions; or

34 h [~~c~~] (iii) h serious dysfunction of any bodily organ or part h ; **AND**

34a (b) **"HOSPITAL EMERGENCY DEPARTMENT" MEANS THAT AREA OF A HOSPITAL IN WHICH**  
34b **EMERGENCY SERVICES ARE PROVIDED ON A 24-HOUR-A-DAY BASIS.** h

34b1 h (4) **NOTHING IN THIS SECTION MAY BE CONSTRUED AS:**

34b2 (a) **ALTERING THE LEVEL OR TYPE OF BENEFITS THAT ARE PROVIDED UNDER THE**  
**TERMS**  
34b3 **OF A CONTRACT OR POLICY ; OR**

34b4 (b) **RESTRICTING A POLICY OR CONTRACT FROM PROVIDING ENHANCED BENEFITS FOR**  
34b5 **CERTAIN EMERGENCY MEDICAL CONDITIONS THAT ARE IDENTIFIED IN THE POLICY OR**  
34b6 **CONTRACT.** h

35 Section 2. **Effective date.**

36 This act takes effect on July 1, 2000.