

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

3                                   2000 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Sponsor: Mary Carlson**

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

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

10 ENACTS:

11                   **31A-22-625**, Utah Code Annotated 1953

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

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

14                   **31A-22-625. Coverage of emergency medical services.**

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

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

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

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

26                   (3) For purposes of this section, "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, could reasonably  
29 expect the absence of immediate medical attention to result in:

30 (a) placing the insured's health, or with respect to a pregnant woman, the health of the  
31 woman or her unborn child, in serious jeopardy;

32 (b) serious impairment to bodily functions; or

33 (c) serious dysfunction of any bodily organ or part.

34 **Section 2. Effective date.**

35 This act takes effect on July 1, 2000.

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**Legislative Review Note**  
**as of 11-1-99 7:33 AM**

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

**Office of Legislative Research and General Counsel**