

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 "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 an emergency treatment facility, as defined
30 in rule, to result in:

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

33 (b) serious impairment to bodily functions; or

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

35 Section 2. **Effective date.**

36 This act takes effect on July 1, 2000.