

1 **HEALTH CARE PROVIDER ACCESS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: D. Chris Buttars**

5 House Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Unfair Practices Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends definitions; and
- 13 ▶ provides that a hospital with 25% or more of the licensed beds in a county may not:
- 14 • provide discounts to an insurer in return for the insurer restricting its provider
- 15 network; or
- 16 • otherwise restrict the ability of an insurer to contract with providers.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **13-5-2**, Utah Code Annotated 1953

24 ENACTS:

25 **13-5-19**, Utah Code Annotated 1953

26 REPEALS:

27 **13-5-5**, Utah Code Annotated 1953



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

Section 1. Section **13-5-2** is amended to read:

**13-5-2. Definitions.**

~~[When used in this act, unless the context otherwise requires, the term "person"]~~

As used in this chapter:

(1) "Commerce" means intrastate commerce in Utah.

(2) "Hospital" means a general acute hospital as defined in Section 26-21-2.

(3) "Person" means an individual, a corporation, a partnership, an association, a joint stock company, a business trust or any unincorporated organization.

Section 2. Section **13-5-19** is enacted to read:

**13-5-19. Unfair competition by hospitals.**

(1) For purposes of this section:

(a) "Insurer" means any person that offers a health benefit plan in the state as defined in Section 31A-1-301.

(b) "Provider" means a health care provider as defined in Section 78-14-3.

(2) (a) (i) This section applies to a hospital that has 25% or more of the licensed hospital beds in a county.

(ii) A hospital is engaged in commerce subject to this chapter if the hospital is licensed in the state, regardless of whether the hospital treats patients from outside of the state.

(b) It is a violation of this chapter for any hospital engaged in commerce, in the course of commerce, either directly or indirectly, to:

(i) offer a discount in price to any insurer in return for the insurer restricting the ability of another hospital or provider to participate on the insurer's panel of providers; or

(ii) otherwise restrict the ability of an insurer to contract with providers.

**Section 3. Repealer.**

This bill repeals:

Section **13-5-5**, "Commerce" defined.

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**Legislative Review Note**  
as of 1-22-08 3:36 PM

**Office of Legislative Research and General Counsel**

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**S.B. 74 - Health Care Provider Access**

**Fiscal Note**

2008 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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