

Representative Bradley M. Daw proposes the following substitute bill:

ARRESTED PERSONS' HEALTH INSURANCE PROVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the Insurance Code to require health insurers to continue coverage of an individual who is incarcerated pending disposition of criminal charges.

Highlighted Provisions:

This bill:

- ▶ applies to health maintenance organizations and other health insurers; and
- ▶ prohibits a health benefit plan from excluding coverage for an individual who is incarcerated pending disposition of the criminal charges.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-640, Utah Code Annotated 1953

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

Section 1. Section **31A-22-640** is enacted to read:



26 **31A-22-640. Exclusion of coverage based on incarceration of an individual.**

27 (1) When an individual is incarcerated and waiting on the disposition of criminal
28 charges, an insurer offering a health benefit plan under this chapter or Chapter 8, Health
29 Maintenance Organizations and Limited Health Plans, may not exclude coverage for the
30 individual's health insurance claim based on:

31 (a) the incarceration of the individual;

32 (b) whether the individual is charged with, but not convicted of a felony that may be
33 directly related to the claim; or

34 (c) losses directly related to an illegal activity for which the person is charged, but not
35 yet convicted.

36 (2) Subsection (1) does not prohibit an insurer from requiring an individual described
37 in Subsection (1) from meeting co-payment, co-insurance, deductibles, or provider restrictions
38 that are otherwise a part of the individual's health benefit plan.