

1 **VISION SERVICES AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Allen M. Christensen**

5 House Sponsor: James A. Dunnigan

---

---

7 **LONG TITLE**

8 **General Description:**

9 This bill regulates certain insurance contract provisions for vision services.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms; and
- 13 ▶ regulates a contract between a vision plan and a vision service provider, including

14 contract provisions related to:

- 15 • fees for vision services that are not covered by a vision plan; and
- 16 • a discount program sponsored by a vision plan.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

23 **31A-22-647**, Utah Code Annotated 1953

---

---

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

26 Section 1. Section **31A-22-647** is enacted to read:

27 **31A-22-647. Vision insurance -- Contract provisions.**

28 (1) As used in this section:

29           (a) "Covered individual" means an individual who has insurance coverage under a  
30 vision plan.

31           (b) "Covered service" means a vision service that:

32           (i) is reimbursable under or would be reimbursable under an enrollee's vision plan, but  
33 for the application of at least one of the following contractual provisions:

34           (A) a deductible;

35           (B) a copayment;

36           (C) coinsurance;

37           (D) a waiting period;

38           (E) an annual or lifetime maximum;

39           (F) a frequency limitation; or

40           (G) an alternative benefit payment; and

41           (ii) is not merely nominal, for the purpose of avoiding the requirements of this section.

42           (c) "Optometrist" means an individual licensed under Title 58, Chapter 16a, Utah  
43 Optometry Practice Act.

44           (d) "Vision plan" means a health insurance policy or contract that provides vision  
45 coverage.

46           (e) "Vision service" means:

47           (i) professional work performed by a vision service provider; or

48           (ii) an ophthalmic medical device, such as lenses, ophthalmic frames, contact lenses, or a  
49 prosthetic device that treats a condition of the human eye or the areas surrounding the human  
50 eye.

51           (f) "Vision service provider" means:

52           (i) an optometrist; or

53           (ii) an individual who provides a vision service and is licensed under:

54           (A) Title 58, Chapter 67, Utah Medical Practice Act; or

55           (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

- 56           (2) (a) This section applies to:  
57           (i) a vision plan that a person enters into or renews on or after January 1, 2019; and  
58           (ii) an administrator providing third-party administration services or a provider  
59 network for a vision plan.  
60           (b) This section does not apply to a self-insured vision plan that is regulated by federal  
61 law.  
62           (3) A contract between a vision plan and a vision service provider to provide a covered  
63 service may not:  
64           (a) except as provided in Subsection (4), require that a vision service provider provide  
65 a vision service to a covered individual at a fee set by, or a fee subject to the approval of, the  
66 vision plan unless the vision service is a covered service; or  
67           (b) prohibit a vision service provider from offering or providing a vision service that is  
68 not a covered service to a covered individual at a fee determined by:  
69           (i) the vision service provider; or  
70           (ii) the vision service provider and the covered individual.  
71           (4) (a) In accordance with Subsections (4)(b) and (c), a vision service provider may, in  
72 a contract with a vision plan, agree to participate in a discount program sponsored by the vision  
73 plan.  
74           (b) A contract between a vision service provider and a vision plan to provide a covered  
75 service may not be contingent on whether the vision service provider agrees to participate in a  
76 discount program sponsored by the vision plan.  
77           (c) Regardless of whether a vision service provider participates in a discount program  
78 sponsored by the vision plan, a vision plan shall offer equal treatment to a vision service  
79 provider under contract with the vision plan to provide a covered service, regarding:  
80           (i) promotional treatment;  
81           (ii) marketing benefits;  
82           (iii) materials; and

83           (iv) contract terms for providing a covered service.  
84           (5) Notwithstanding Subsection (4)(c), a vision plan may, when providing a  
85 typically-formatted list of vision service providers that accept the vision plan, identify whether  
86 a vision service provider participates in a discount program sponsored by the vision plan.