

Senator Allen M. Christensen proposes the following substitute bill:

VISION SERVICES AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: _____

LONG TITLE

General Description:

This bill regulates certain insurance contract provisions for vision services.

Highlighted Provisions:

This bill:

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

contract provisions related to:

- fees for vision services that are not covered by a vision plan;
- restrictions on suppliers of services or optical laboratories; and
- insurers that offer more than one vision plan.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-647, Utah Code Annotated 1953



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

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

28 **31A-22-647. Vision insurance -- Contract provisions.**

29 (1) As used in this section:

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

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

33 (i) is reimbursable under or would be reimbursable under an enrollee's vision plan, but

34 for the application of at least one of the following contractual provisions:

35 (A) a deductible;

36 (B) a copayment;

37 (C) coinsurance;

38 (D) a waiting period;

39 (E) an annual or lifetime maximum;

40 (F) a frequency limitation; or

41 (G) an alternative benefit payment; and

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

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

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

47 (e) "Vision service" means:

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

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

52 (f) "Vision service provider" means:

53 (i) an optometrist; or

54 (ii) an individual who:

55 (A) is licensed under Title 58, Chapter 67, Utah Medical Practice Act; and

56 (B) provides a vision service.

57 (2) (a) This section applies to:

58 (i) a vision plan that a person enters into or renews on or after January 1, 2019; and

59 (ii) an administrator providing third-party administration services or a provider

60 network for a vision plan.

61 (b) This section does not apply to a self-insured vision plan that is regulated by federal
62 law.

63 (3) A contract between a vision plan and a vision service provider to provide a covered
64 service may not:

65 (a) require, directly or indirectly, that a vision service provider provide a vision service
66 to a covered individual at a fee set by, or a fee subject to the approval of, the vision plan unless
67 the vision service is a covered service;

68 (b) prohibit a vision service provider from offering or providing a vision service that is
69 not a covered service to a covered individual at a fee determined by:

70 (i) the vision service provider; or

71 (ii) the vision service provider and the covered individual;

72 (c) restrict or limit the vision service provider's ability to select among:

73 (i) suppliers of services used in providing vision services for a covered individual; or

74 (ii) optical laboratories used in providing vision services for a covered individual; or

75 (d) require a vision service provider to participate in another vision benefit plan or
76 vision discount plan offered by the insurer that provides the vision plan.