

## SB0237S02 compared with SB0237S01

~~text~~ shows text that was in SB0237S01 but was deleted in SB0237S02.

Inserted text shows text that was not in SB0237S01 but was inserted into SB0237S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: \_\_\_\_\_

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#### 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~~ and
  - a discount program sponsored by a vision plan.

##### Money Appropriated in this Bill:

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

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

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

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

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

(1) As used in this section:

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

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

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

(A) a deductible;

(B) a copayment;

(C) coinsurance;

(D) a waiting period;

(E) an annual or lifetime maximum;

(F) a frequency limitation; or

(G) an alternative benefit payment; and

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

(c) "Optometrist" means an individual licensed under Title 58, Chapter 16a, Utah

Optometry Practice Act.

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

(e) "Vision service" means:

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

(ii) an ophthalmic medical device, such as lenses, ophthalmic frames, contact lenses, or a

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prosthetic device that treats a condition of the human eye or the areas surrounding the human eye.

(f) "Vision service provider" means:

(i) an optometrist; or

(ii) an individual who ~~is~~:

~~— (A) ~~is~~ provides a vision service and~~ is licensed under:

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

(B) ~~provides a vision service~~ Title 58, Chapter 68, Utah Osteopathic Medical Practice

Act.

(2) (a) This section applies to:

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

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

network for a vision plan.

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

law.

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

(a) ~~except as provided in Subsection (4),~~ require ~~is, directly or indirectly,~~ that a vision service provider provide a vision service to a covered individual at a fee set by, or a fee subject to the approval of, the vision plan unless the vision service is a covered service; ~~or~~

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

(i) the vision service provider; or

(ii) the vision service provider and the covered individual ~~is~~.

~~(c) restrict or limit~~ 4) (a) ~~In accordance with Subsections (4)(b) and (c), a vision service provider may, in a contract with a vision plan, agree to participate in a discount program sponsored by the vision plan.~~

(b) A contract between a vision service provider and a vision plan to provide a covered service may not be contingent on whether the vision service ~~provider's ability to select among:~~

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

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

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~~(d) require~~ provider agrees to participate in a discount program sponsored by the vision plan.

(c) Regardless of whether a vision service provider ~~to participate in another vision benefit plan or vision discount plan offered by the insurer that provides~~ participates in a discount program sponsored by the vision plan, a vision plan shall offer equal treatment to a vision service provider under contract with the vision plan to provide a covered service, regarding:

(i) promotional treatment;

(ii) marketing benefits;

(iii) materials; and

(iv) contract terms for providing a covered service.