



General Assembly

January Session, 2001

Committee Bill No. 950

LCO No. 3981

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT REQUIRING THE ESTABLISHMENT OF AN OFFICE OF THE HUSKY OMBUDSMAN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) As used in sections 1 to 9, inclusive, of this act,
2 unless the context otherwise requires:

3 (1) "HUSKY Plan" means the HUSKY Plan, Part A, the HUSKY Plan,
4 Part B, or the HUSKY Plus programs, as defined respectively in section
5 17b-290 of the general statutes; and

6 (2) "Managed care organization" means an insurer, health care
7 center, hospital or medical service corporation or other organization
8 delivering, issuing for delivery, renewing or amending any individual
9 or group health managed care plan in this state that provides benefits
10 under the HUSKY Plan.

11 Sec. 2. (NEW) (a) There is established an Office of the HUSKY
12 Ombudsman that shall be within the Insurance Department for
13 administrative purposes only.

14 (b) The Office of the HUSKY Ombudsman shall:

15 (1) Provide information and assistance to consumers with respect to
16 obtaining health insurance coverage under the HUSKY Plan;

17 (2) Assist consumers in understanding their rights and
18 responsibilities under the HUSKY Plan;

19 (3) Assist consumers with the filing of complaints and appeals with
20 managed care organizations and the Department of Social Services;

21 (4) Assist providers participating in the HUSKY Plan in resolving
22 problems with managed care organizations, including timely
23 payments and other concerns;

24 (5) Pursue administrative remedies on behalf of and with the
25 consent of any consumers;

26 (6) Adopt such regulations, in accordance with chapter 54 of the
27 general statutes, as the Office of the HUSKY Ombudsman deems
28 necessary to carry out the provisions of sections 1 to 9, inclusive, of this
29 act; and

30 (7) Take any other actions necessary to fulfill the purposes of
31 sections 1 to 9, inclusive, of this act.

32 Sec. 3. (NEW) (a) The Office of the HUSKY Ombudsman shall be
33 under the direction of the HUSKY Ombudsman who shall be
34 appointed by the Governor, with the approval of the General
35 Assembly. The HUSKY Ombudsman shall be an elector of the state
36 with expertise and experience in the fields of health care, health
37 insurance and advocacy for the rights of consumers, provided the
38 ombudsman shall not have served as a director or officer of a managed
39 care organization within two years of appointment. In addition to the
40 HUSKY Ombudsman, the Office of the HUSKY Ombudsman shall
41 consist of a staff of not more than three persons, which staff may be
42 increased as the requirements and resources of the office permit.

43 (b) The Governor shall make the initial appointment of HUSKY

44 Ombudsman not later than June 1, 2002. If the General Assembly is not
45 in session at the time of the Governor's designation of a candidate, the
46 candidate shall serve as the acting ombudsman until the General
47 Assembly meets and confirms the candidate as ombudsman. A
48 candidate serving as acting ombudsman is entitled to compensation
49 and has all the powers, duties and privileges of the ombudsman. An
50 ombudsman shall serve a term of four years, not including any time
51 served as acting ombudsman, and may be reappointed by the
52 Governor or shall remain in the position until a successor is confirmed.
53 Upon a vacancy in the position of the HUSKY Ombudsman, the
54 Governor shall designate a candidate to serve as the acting
55 ombudsman until the vacancy is filled pursuant to this section. The
56 acting ombudsman is entitled to compensation and has all the powers,
57 duties and privileges of the ombudsman.

58 (c) The HUSKY Ombudsman shall work in cooperation with the
59 Department of Social Services and its HUSKY Plan liaisons, other state
60 agencies that serve HUSKY enrollees and the existing enrollee and
61 provider organizations.

62 Sec. 4. (NEW) (a) Each managed care organization shall, when
63 presented with the written consent of the consumer or the consumer's
64 guardian or legal representative, provide to the Office of the HUSKY
65 Ombudsman access to records relating to such consumer.

66 (b) Any records provided pursuant to this section to the Office of
67 the HUSKY Ombudsman shall be exempt from disclosure under the
68 Freedom of Information Act, as defined in section 1-200 of the general
69 statutes.

70 Sec. 5. (NEW) All state agencies shall comply with reasonable
71 requests of the Office of the HUSKY Ombudsman for information and
72 assistance.

73 Sec. 6. (NEW) In the absence of the written consent of a consumer
74 utilizing the services of the Office of the HUSKY Ombudsman or such

75 consumer's guardian or legal representative or of a court order, the
76 Office of the HUSKY Ombudsman and its employees and agents shall
77 not disclose the identity of the consumer.

78 Sec. 7. (NEW) (a) No ombudsman or person employed by the Office
79 of the HUSKY Ombudsman may:

80 (1) Have a direct involvement in the licensing, certification or
81 accreditation of a managed care organization;

82 (2) Have a direct ownership or investment interest in a managed
83 care organization;

84 (3) Be employed by or participate in the management of a managed
85 care organization; or

86 (4) Receive or have the right to receive, directly or indirectly,
87 remuneration under a compensation arrangement with a managed
88 care organization.

89 (b) No ombudsman or person employed by the Office of the
90 HUSKY Ombudsman may knowingly accept employment with a
91 managed care organization for a period of one year following
92 termination of such person's services with the Office of the HUSKY
93 Ombudsman.

94 Sec. 8. (NEW) (a) The Office of the HUSKY Ombudsman may apply
95 for and accept grants, gifts and bequests of funds from other states,
96 federal and interstate agencies and independent authorities and
97 private firms, individuals and foundations, for the purpose of carrying
98 out its responsibilities.

99 (b) There is established, within the General Fund, a HUSKY
100 Ombudsman account that shall be a separate nonlapsing account. Any
101 funds received under this section shall, upon deposit in the General
102 Fund, be credited to said account and may be used by the Office of the
103 HUSKY Ombudsman in the performance of its duties.

104 Sec. 9. (NEW) The HUSKY Ombudsman shall submit, not later than
105 January first of each year, a report to the Governor and the joint
106 standing committees of the General Assembly having cognizance of
107 matters relating to public health, insurance, human services and
108 appropriations and the budgets of state agencies concerning the
109 activities of the ombudsman. The report shall include, but not be
110 limited to, information regarding: (1) The subject matter, disposition
111 and number of consumer complaints processed by the HUSKY
112 Ombudsman; (2) common problems and concerns discerned by the
113 ombudsman from the consumer complaints and other relevant
114 sources; (3) the need, if any, for administrative, legislative or executive
115 remedies to assist consumers; and (4) the fiscal accounts of the Office
116 of the HUSKY Ombudsman.

Statement of Purpose:

To require the appointment of a HUSKY Ombudsman in order to assist HUSKY consumers and providers with managed care issues as they relate to the HUSKY Plan, Parts A and B.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. HARP, 10th Dist.