



General Assembly

Amendment

January Session, 2013

LCO No. 6973

SB0109306973SR0

Offered by:
SEN. KELLY, 21st Dist.

To: Subst. Senate Bill No. 1093

File No. 392

Cal. No. 273

"AN ACT CONCERNING REVISIONS TO THE INSURANCE STATUTES."

1 Strike section 12 in its entirety and insert the following in lieu
2 thereof:

3 "Sec. 12. Section 38a-188 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) (1) Each health care center governed by sections 38a-175 to 38a-
6 192, inclusive, shall be exempt from the provisions of the general
7 statutes relating to insurance in the conduct of its operations under
8 said sections and in such other activities as do constitute the business
9 of insurance, unless expressly included therein, and except for the
10 following: Sections 38a-11, 38a-14a, 38a-17, 38a-51, 38a-52, 38a-56, 38a-
11 57, 38a-129 to 38a-140, inclusive, 38a-147 and 38a-815 to 38a-819,
12 inclusive, provided a health care center shall not be deemed in
13 violation of sections 38a-815 to 38a-819, inclusive, solely by virtue of
14 such center selectively contracting with certain providers in one or
15 more specialties, and sections 38a-80, 38a-492b, 38a-518b, 38a-543, 38a-

16 702j, 38a-703 to 38a-718, inclusive, 38a-731 to 38a-735, inclusive, 38a-
17 741 to 38a-745, inclusive, as amended by this act, 38a-769, 38a-770, 38a-
18 772 to 38a-776, inclusive, 38a-786, 38a-790, 38a-792 and 38a-794,
19 provided a health care center organized as a nonprofit, nonstock
20 corporation shall be exempt from sections 38a-146, 38a-702j, 38a-703 to
21 38a-718, inclusive, 38a-731 to 38a-735, inclusive, 38a-741 to 38a-745,
22 inclusive, as amended by this act, 38a-769, 38a-770, 38a-772 to 38a-776,
23 inclusive, 38a-786, 38a-790, 38a-792 and 38a-794. If a health care center
24 is operated as a line of business, the foregoing provisions shall, where
25 possible, be applied only to that line of business and not to the
26 organization as a whole.

27 (2) Notwithstanding the provisions of section 38a-14a, the Insurance
28 Department shall be liable for and pay the expense (A) incurred by a
29 health care center to produce records, books or other information
30 pursuant to subdivision (2) of subsection (a) of section 38a-14a, and (B)
31 of any examination conducted by the commissioner under section 38a-
32 14a.

33 (b) The commissioner may adopt regulations, in accordance with
34 chapter 54, stating the circumstances under which the resources of a
35 person which controls a health care center, or operates a health care
36 center as a line of business will be considered in evaluating the
37 financial condition of a health care center. Such regulations, if adopted,
38 shall require as a condition to the consideration of the resources of
39 such person which controls a health care center, or operates a health
40 care center as a line of business to provide satisfactory assurances to
41 the commissioner that such person will assume the financial
42 obligations of the health care center. During the period prior to the
43 effective date of regulations issued under this section, the
44 commissioner shall, upon request, consider the resources of a person
45 which controls a health care center, or operates a health care center as a
46 line of business, if the commissioner receives satisfactory assurances
47 from such person that it will assume the financial obligations of the
48 health care center and determines that such person meets such other

49 requirements as the commissioner determines are necessary.

50 (c) A health care center organized as a nonprofit, nonstock
51 corporation shall be exempt from the sales and use tax and all property
52 of each such corporation shall be exempt from state, district and
53 municipal taxes. Each corporation governed by sections 38a-175 to 38a-
54 192, inclusive, shall be subject to the provisions of sections 38a-903 to
55 38a-961, inclusive.

56 (d) Nothing in this section shall be construed to override contractual
57 and delivery system arrangements governing a health care center's
58 provider relationships."