



General Assembly

January Session, 2015

**Committee Bill No. 808**

LCO No. 4093



\* 0 4 0 9 3 S B 0 8 0 8 I N S \*

Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:  
(INS)

**AN ACT CONCERNING THE ESTABLISHMENT OF A DISPUTE  
RESOLUTION PROCESS FOR SURPRISE BILLS AND BILLS FOR  
EMERGENCY SERVICES.**

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this  
2 section:

3 (1) "Emergency condition" means a medical condition, or a mental  
4 or nervous condition as set forth in sections 38a-488a and 38a-514 of  
5 the general statutes, that manifests itself by acute symptoms of  
6 sufficient severity, including severe pain, such that a prudent  
7 layperson possessing an average knowledge of medicine and health  
8 could reasonably expect the absence of immediate medical attention to  
9 result in (A) placing the health of the individual afflicted with a  
10 medical condition in serious jeopardy, or in the case of an individual  
11 afflicted with a mental or nervous condition, placing the health of such  
12 individual or others in serious jeopardy, (B) serious impairment to  
13 such individual's bodily functions, (C) serious dysfunction of any  
14 bodily organ or body part of such individual, (D) serious  
15 disfigurement of such individual, or (E) a condition described in

16 Section 1867 (e)(1)(A) of the Social Security Act, as amended from time  
17 to time;

18 (2) "Emergency services" means, with respect to an emergency  
19 condition, (A) a medical screening examination as required under  
20 Section 1867 of the Social Security Act, as amended from time to time,  
21 that is within the capability of a hospital emergency department,  
22 including ancillary services routinely available to such department to  
23 evaluate such condition, and (B) such further medical examinations  
24 and treatment required under said Section 1867 to stabilize such  
25 individual, that are within the capability of the hospital staff and  
26 facilities;

27 (3) "Health care plan" means a health insurance policy or health  
28 benefit plan delivered, issued for delivery, renewed, amended or  
29 continued in this state that provides coverage of the type specified in  
30 subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of the general  
31 statutes;

32 (4) "Nonparticipating" means not having a contract with a health  
33 care plan to provide health care services to an insured under such  
34 plan; and

35 (5) (A) "Surprise bill" means a bill for health care services, other than  
36 emergency services, received by: (i) An insured for services rendered  
37 by a nonparticipating physician at a participating hospital or  
38 participating ambulatory surgical center, where (I) a participating  
39 physician is unavailable, (II) a nonparticipating physician renders  
40 services without the insured's knowledge or consent, or (III) an  
41 unforeseen medical condition arises at the time such services are  
42 rendered that requires immediate medical attention; (ii) an insured for  
43 services rendered by a nonparticipating health care provider, where  
44 such services were referred by a participating physician to such  
45 provider without explicit written consent of the insured  
46 acknowledging such referral and that the referral may result in costs  
47 not covered by the insured's health care plan; or (iii) an uninsured

48 individual for services rendered by a physician at a hospital or an  
49 ambulatory surgical center, who did not receive prior disclosure from  
50 such physician of the costs for such services, or of a facility fee as  
51 required under section 19a-508c of the general statutes.

52 (B) "Surprise bill" does not include a bill for health care services  
53 received by an insured when a participating physician is available and  
54 the insured has elected to obtain services from a nonparticipating  
55 physician or nonparticipating health care provider.

56 (b) The Insurance Commissioner and the Commissioner of Public  
57 Health shall jointly adopt regulations, in accordance with the  
58 provisions of chapter 54 of the general statutes, to establish a dispute  
59 resolution process by which a dispute over a bill for emergency  
60 services or a surprise bill may be resolved. Such regulations shall  
61 include, but need not be limited to, (1) the procedures and standards  
62 for such dispute resolution process, (2) the procedures and standards  
63 for certifying independent dispute resolution entities, (3) the criteria to  
64 be used by independent dispute resolution entities to determine a  
65 reasonable fee for health care services or emergency services, and (4)  
66 the fees for and payment of such independent dispute resolution  
67 entities.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section

**Statement of Purpose:**

To require the establishment of a dispute resolution process by which a dispute over a bill of emergency services or a surprise bill for health care services rendered under certain circumstances may be resolved.

*[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. LOONEY, 11th Dist.; SEN. FASANO, 34th Dist.

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