



Senate

General Assembly

File No. 365

January Session, 2021

Senate Bill No. 1008

Senate, April 8, 2021

The Committee on Insurance and Real Estate reported through SEN. LESSER of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING HEALTH EQUITY, THE CORONAVIRUS PANDEMIC AND PULSE OXIMETERS.

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

1 Section 1. (NEW) (*Effective July 1, 2021*) (a) For the purposes of this
2 section:

3 (1) "Health care provider" has the same meaning as provided in
4 section 38a-477aa of the general statutes;

5 (2) "Health carrier" has the same meaning as provided in section 38a-
6 1080 of the general statutes;

7 (3) "Pharmacist" has the same meaning as provided in section 38a-
8 479aaa of the general statutes;

9 (4) "Pharmacy" has the same meaning as provided in section 38a-
10 479aaa of the general statutes; and

11 (5) "Pharmacy benefits manager" has the same meaning as provided

12 in section 38a-479aaa of the general statutes.

13 (b) The Insurance Commissioner, in consultation with the
14 Commissioner of Public Health, shall adopt regulations, in accordance
15 with the provisions of chapter 54 of the general statutes, to ensure that:

16 (1) Each health care provider, health carrier, pharmacist, pharmacy
17 and pharmacy benefits manager doing business in this state is informed
18 that a pulse oximeter is more likely to produce an inaccurate blood
19 oxygen level reading for an insured who is an individual of color as
20 opposed to an insured who is a white individual; and

21 (2) Each insured in this state:

22 (A) Who receives a covered pulse oximeter is informed that such
23 pulse oximeter is more likely to produce an inaccurate blood oxygen
24 level reading for such insured if such insured is an individual of color
25 as opposed to an insured who is a white individual; and

26 (B) Is informed that if such insured receives an inaccurate blood
27 oxygen level reading as measured by a pulse oximeter such insured may
28 be deprived of medically necessary health care services due to such
29 inaccurate reading.

30 Sec. 2. (NEW) (*Effective January 1, 2022*) No insurer, health care center,
31 hospital service corporation, medical service corporation, fraternal
32 benefit society or other entity delivering, issuing for delivery, renewing,
33 amending or continuing an individual or group health insurance policy
34 in this state on or after January 1, 2022, providing coverage of the type
35 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469 of
36 the general statutes shall deny coverage for an otherwise covered
37 benefit if such denial is exclusively based on an insured's blood oxygen
38 level as measured by a pulse oximeter.

| | | |
|---|--------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | July 1, 2021 | New section |

| | | |
|--------|------------------------|-------------|
| Sec. 2 | <i>January 1, 2022</i> | New section |
|--------|------------------------|-------------|

INS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill is not anticipated to result in a fiscal impact to the state or municipalities. There is no cost for the Insurance Department to adopt the regulations required by the bill.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**SB 1008*****AN ACT CONCERNING HEALTH EQUITY, THE CORONAVIRUS PANDEMIC AND PULSE OXIMETERS.*****SUMMARY**

This bill requires the insurance commissioner, in consultation with the public health commissioner, to adopt regulations to ensure that:

1. health care providers, insurers and other health carriers, pharmacists, pharmacies, and pharmacy benefits managers are informed that a pulse oximeter (see BACKGROUND) is more likely to produce an inaccurate blood oxygen level reading for individuals of color as opposed to white individuals;
2. insured persons who receive a covered pulse oximeter are informed that it is more likely to produce an inaccurate reading on individuals of color than on white individuals; and
3. insured persons are informed that if they receive an inaccurate reading from such a device, they may be deprived of medically necessary health care services due to the inaccurate reading.

The bill also prohibits certain insurers and others providing health insurance from denying coverage for an otherwise covered benefit if the denial is exclusively based on the insured's blood oxygen level as measured by a pulse oximeter.

EFFECTIVE DATE: July 1, 2021, for the regulation provision; January 1, 2022, for the insurance coverage provision.

BAN ON CERTAIN COVERAGE DENIALS

The bill's insurance coverage provision applies to individual or group health insurance policies delivered, issued, renewed, amended,

or continued in Connecticut on or after January 1, 2022, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; or (4) hospital or medical services, including those provided under an HMO plan. The bill applies to insurers, HMOs, hospital or medical service corporations, fraternal benefit societies, or other entities providing such coverage. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

BACKGROUND

Pulse Oximeters

Pulse oximeters are electronic devices that estimate the percentage of oxygen in a person's blood. They are typically placed on a finger. There are both prescription and over-the-counter pulse oximeters.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable

Yea 18 Nay 0 (03/22/2021)