



Consumer Protections under State & Federal Law

Health First CCF Workgroup

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What are Consumer Protections?

- Our view
 - The Lens you're looking through makes all the difference
 - Two kinds of protections:
 - Coverage protections
 - Process protections
 - Protections are matters of public policy
 - Passed by legislature & signed by Governor
 - Passed by Congress & signed by President

Federal Consumer Protections

- Apply to all ERISA plans
- Includes (among others):
 - Women's Health and Cancer Rights Act of 1998
 - Mental Health Parity Act of 1996 (and possible new Mental Health Parity Act)
 - The Newborns And Mother's Health Protection Act Of 1996

Federal Consumer Protections (cont'd)

- Do not preempt better protections under state law for members of fully-insured plans
 - Example – Federal Mental Health Parity Act of 1996 is less comprehensive than CT mental health parity laws
- We don't count COBRA as a "mandate" – enrollees pay full group rate + 2% for coverage

Federal/State Protections

- Public programs funded jointly by CT and the federal government contain consumer protections in state and federal law
 - Medicaid/HUSKY A (fully capitated MCOs)
 - EPSDT
 - Optional Services in CT Medicaid state plan – some cut in 2003
 - Waiver Services
 - Due Process rights
 - SCHIP/HUSKY B (fully capitated MCOs)
 - Mandatory Services
 - Services listed in state regulation

State Funded programs?

- SAGA – Purely state funded through DSS and administered by CHNCT
 - Covered services outlined in state regulation.
 - Some services cut by legislation in 2003
- Correctional Managed Health Care –
 - Includes medical, dental, mental health & Rx for inmates

CT Consumer Protections in fully-funded group & individual policies

- Who's counting?
 - Some protections that may be categorized as “mandates” are administrative and common sense procedural protections – no distinction between individual & group policies
 - Utilization review (Applies to all UR companies)
 - Managed care sections (C.G.S. 38a-478 et seq.)
 - Includes specific information to be included in consumer materials. Also includes right to external appeal*
 - Postclaims underwriting – C.G.S. 38a-477b

*Consumers in self-funded governmental plans have access to external appeals

CT Consumer Protections

- Not all protections are equal

- Some apply to only group plans
- Some apply to only certain types of insurance
- Some apply to all

- Types of health insurance – C.G.S. 38a-469

- 1 = Basic Hospital Expense
- 2 = Basic Medical Surgical Expense
- 3 = Hospital Confinement Indemnity
- 4 = Major Medical Expense
- 5 = Disability Income Protection
- 6 = Accident Only
- 7 = Long Term Care
- 8 = Specified Accident
- 9 = Medicare Supplement
- 10 = Limited Benefit Health
- 11 = Hospital or Medical Service Plan Contract
- 12 = Hospital and Medical Coverage Provided to Subscribers of a Health Care Center (HMO)
- 13 = Specified Disease
- 14 = TriCare supplement coverage.

Consumer Protections - Statutes

INDIVIDUAL STATUTE	GROUP STATUTE	SUBJECT	COVERAGE TYPE (*)
38a-476	38a-476	Pre-Existing Condition Waiver	1,2,4,11 & 12
38a-483c	38a-513b	Experimental Treatments	All
38a-488a	38a-514	Benefits for Mental Illness	1,2,4,11 & 12
38a-489	38a-515	Continuation for Mentally or Physically Handicapped Children	1,2,4,6,11,12 & 10 for I
38a-490	38a-516	Newborn Infants	1,2,4,6,11,12 & 10 for I
38a-490a	38a-516a	Birth-To-Three Program (Early Intervention Services)	1,2,4,11 & 12
38a-490b	38a-516b	Hearing Aids for Children 12 and Younger	1,2,4,11 & 12
38a-490c	38a-516c	Craniofacial Disorders	1,2,4,11 & 12
38a-491a	38a-517a	Coverage for In-patient Dental	1,2,4,11 & 12
38a-492	38a-518	Accidental Ingestion of a Controlled Drug	1,2,4,6,11 & 10 for I
38a-492a	38a-518a	Coverage for Hypodermic Needles and Syringes	1,2,4,6,10,11 & 12
38a-492b	38a-518b	Cancer Drugs Not to be Excluded	All
38a-492c	38a-518c	Coverage for Prescription Foods/Formula	1,2,4,6,11 & 12

Consumer Protections - Statutes

INDIVIDUAL STATUTE	GROUP STATUTE	SUBJECT	COVERAGE TYPE (*)
	38a-518d	Coverage for Diabetes	1,2,4, 11 & 12
38a-492d			
38a-492e	38a-518e	Diabetes Outpatient Self-Management Training	1,2,4, 11 & 12
38a-492g	38a-518g	Screening for Prostate Cancer	1,2,4, 11 & 12
38a-492h	38a-518h	Lyme Disease Treatment	1,2,4, 11 & 12
38a-492i	38a-518i	Pain Management	1,2,4,10, 11 & 12
38a-492j	38a-518j	Ostomy Appliances and Supplies	1,2,4, 11 & 12
38a-492k	38a-518k	Colorectal Cancer Screening	1,2,4,11 & 12
38a-492l	38a-516d	Developmental Needs of Children & Youth with Cancer	1,2,4,11 & 12
38a-493	38a-520	Home Health Care	1,2,4,6,11,12 & 10 for I
38a-498	38a-525	Ambulance Service	1,2,4,11,12 & 6, 10 for I
38a-498c	38a-525c	Health Care Services to Residents with Elevated Blood Alcohol Levels	1,2,4,11 & 12
38a-503	38a-530	Mammography/Breast Cancer Screening	1,2,4,11,12 & 6, 10 for I
38a-503c	38a-530c	Maternity Care & Postpartum Care (48/96 hours)	1,2,4,6,10,11 & 12

Consumer Protections - Statutes

INDIVIDUAL STATUTE	GROUP STATUTE	SUBJECT	COVERAGE TYPE (*)
38a-503d	38a-530d	Mastectomy or Lymph Node Dissection (48 hours)	1,2,4,10,11 & 12
38a-503e	38a-530e	Prescription Birth Control	1,2,4,11 & 12
	38a-535	Preventive Pediatric Care	1,2,4,6,11 & 12
	38a-537	Notice of Cancellation of Group Coverage	All
	38a-541	Policy to Allow Spouse Coverage as Both Dependent and Employee	All
38a-504	38a-542	Tumors and Leukemia/Breast Implant Removal & Reconstruction	1,2,4,11,12 & 10 for I
38a-504a-g	38a-542a-g	Cancer Clinical Trials	1,2,4,11 & 12
	38a-543	Age Discrimination-Small Group less than 20 Employees	1,2,4,11 & 12
	38a-546	Continuation of Coverage	1,2,3,4,11 & 12
38a-508	38a-549	Coverage for Prospective Adoptive Children	1,2,4,6,10,11 & 12
38a-509	38a-536	Infertility Treatment & Procedures	1,2,4,11 & 12
38a-510	38a-544	Prescription Drug- mail order prohibition	All

Consumer Protection - Statutes

INDIVIDUAL STATUTE	GROUP STATUTE	SUBJECT	COVERAGE TYPE (*)
	38a-550	Access to Imaging Services	All
38a-511			
	38a-554	Continuation, Extension & Conversion Rights	1,2,3,4,11 & 12
38a-504d	38a-542d	OON facility during treatment in a clinical trials	1,2,4,11 & 12
38a-482a	38a-513c	Medical necessity	1,2,4,6,10,11 & 12
38a-482b	38a-513d	Regulating limited benefit medical plans	1,2,4,11 & 12
38a-477b	38a-477b	Post-claims underwriting	1,2,4,6,10,11 & 12
38a-497	38a-554	Definition Of dependent child to 26	
38a-490d	38a-535(b)	Blood screening added to preventive pediatric	
38a-498b	38a-525b	Extend isolation & emergency services to mobile services	
	PA08-125	Inpatient treatment of serious M & N conditions	1,2,4,11 & 12
PA08-132 s.1	PA08-132 s.2	Therapies for treatment of autism spectrum	1,2,4,11 & 12
PA08-147 s. 8	PA08-147 s.9	Revision to dependent definition	1,2,4,6,10,11 & 12
PA08-181 s. 6	PA08-181 s.7	Group specified disease benefit	

Consumer Protections

- Note, this list of protections on pages 9-12 may not be exhaustive. CID provided this list to OHA as a courtesy. The list is intended for CID's internal use only, but is provided today for presentation purposes only. CID takes no responsibility for decisions made on the basis of a potential oversight on the list. If you have a specific area that is of interest, you are strongly encouraged to fully research that issue.