



General Assembly

**Amendment**

January Session, 2021

LCO No. 7488



Offered by:  
REP. PAVALOCK-D'AMATO, 77<sup>th</sup> Dist.

To: Subst. House Bill No. 6389      File No. 382      Cal. No. 295

(As Amended)

**"AN ACT CONCERNING EXPLANATIONS OF BENEFITS."**

1      Strike subparagraph (B) of subdivision (1) of subsection (a) of section  
2      1 in its entirety and substitute the following in lieu thereof:

3      "(B) With respect to explanations of benefits issued pursuant to  
4      subsections (d) to (i), inclusive, of this section, a statement disclosing  
5      that each consumer who is a covered individual, eighteen years of age  
6      or older and legally capable of consenting to the provision of covered  
7      benefits under such policy may specify that such insurer, center,  
8      corporation, society or entity, and each third-party administrator, as  
9      defined in section 38a-720, providing services to such insurer, center,  
10     corporation, society or entity, shall:

11     (i) Not issue explanations of benefits concerning covered benefits  
12     provided to such consumer; or

13     (ii) (I) Issue explanations of benefits concerning covered benefits

14 provided to such consumer solely to such consumer; and

15 (II) Use a method specified by such consumer to issue such  
16 explanations of benefits solely to such consumer, and provide sufficient  
17 space in the statement for such consumer to specify a mailing address  
18 or an electronic mail address for such insurer, center, corporation,  
19 society, entity or third-party administrator to use to contact such  
20 consumer concerning covered benefits provided to such consumer."

21 Strike subdivision (2) of subsection (d) of section 1 in its entirety and  
22 substitute the following in lieu thereof:

23 "(2) Permit each consumer who is a covered individual under the  
24 policy, eighteen years of age or older and legally capable of consenting  
25 to the provision of covered benefits to specify, in writing, that such  
26 insurer, center, corporation, society, entity or third-party administrator  
27 issue explanations of benefits concerning covered benefits provided to  
28 such consumer solely to such consumer, and specify, in writing, which  
29 of the following methods such insurer, center, corporation, society,  
30 entity or third-party administrator shall use to issue such explanations  
31 of benefits solely to such consumer:

32 (A) Mailing such explanations of benefits to such consumer's mailing  
33 address or another mailing address specified by such consumer; or

34 (B) Making such explanations of benefits available to such consumer  
35 by electronic means and notifying such consumer by electronic means,  
36 including, but not limited to, electronic mail, when such insurer, center,  
37 corporation, society, entity or third-party administrator makes each  
38 such explanation of benefits available to such consumer by electronic  
39 means, provided making such explanations of benefits available to such  
40 consumer by electronic means and notifying such consumer by  
41 electronic means complies with all applicable federal and state laws and  
42 regulations concerning data security, including, but not limited to, 45  
43 CFR Part 160, as amended from time to time, and 45 CFR Part 164,  
44 Subparts A and C, as amended from time to time."

45 Strike subsection (g) of section 1 in its entirety and substitute the  
46 following in lieu thereof:

47 "(g) Each consumer who is a covered individual under a policy  
48 described in subsection (a) of this section, eighteen years of age or older  
49 and legally capable of consenting to the provision of covered benefits  
50 may specify, in writing, that the insurer, center, corporation, society or  
51 entity that delivered, issued for delivery, renewed, amended or  
52 continued the policy, or a third-party administrator providing services  
53 to such insurer, center, corporation, society or entity, not issue  
54 explanations of benefits pursuant to subsections (d) to (f), inclusive, of  
55 this section if such explanations of benefits concern covered benefits that  
56 were provided to such consumer. Such insurer, center, corporation,  
57 society, entity or third-party administrator shall not require such  
58 consumer to provide any explanation regarding the basis for such  
59 consumer's specification, unless such explanation is required by  
60 applicable law or pursuant to an order issued by a court of competent  
61 jurisdiction."