



General Assembly

Amendment

January Session, 2023

LCO No. 8652



Offered by:
REP. WOOD K., 29th Dist.

To: House Bill No. 6833

File No. 366

Cal. No. 253

"AN ACT CONCERNING ELECTRONIC NOTIFICATIONS TO INSUREDS."

1 In line 2, strike "subsection (j)" and insert in lieu thereof "subsections
2 (j) and (k)"

3 After line 19, insert the following:

4 "(NEW) (k) Notwithstanding the provisions with respect to
5 explanation of benefits set forth in subsections (d) to (h), inclusive, of
6 this section, each insurer, health care center, hospital service
7 corporation, medical service corporation, fraternal benefit society or
8 other entity that delivers, issues for delivery, renews, amends or
9 continues a health insurance policy providing coverage may allow a
10 plan sponsor of a health insurance policy, on behalf of consumers who
11 are covered individuals under such policy, to consent to the
12 transmission of all communications pertaining to such policy by

13 electronic means, provided a covered individual may, at any time, opt
14 out of the electronic transmission of communications pertaining to such
15 policy."

16 After the last section, add the following and renumber sections and
17 internal references accordingly:

18 "Sec. 501. Subsection (g) of section 38a-472f of the general statutes, as
19 amended by section 1 of house bill 6782 of the current session, as
20 amended by House Amendment Schedule "A", is repealed and the
21 following is substituted in lieu thereof (*Effective from passage*):

22 (g) (1) (A) A health carrier and participating provider shall provide
23 not less than ninety days' written notice to each other of any intent to
24 terminate a contract between such health carrier and such participating
25 provider prior to the proposed date of termination or, in the case of a
26 nonrenewal, from the end of the contract period.

27 (B) A health carrier shall make a good faith effort to provide written
28 notice, not less than thirty days before the proposed date of termination
29 of the contract or, in the case of a nonrenewal, from the end of the
30 contract period, to all covered persons who are patients being treated on
31 a regular basis by or at the participating provider. The notice
32 requirements set forth in this subparagraph shall not apply if the health
33 carrier and participating provider agree, in writing, on an extension of
34 such contract for a period not to exceed one year.

35 (C) For each contract entered into, renewed, amended or continued
36 on or after July 1, [2024] 2023, between a health carrier and a
37 participating provider that is a hospital, as defined in section 38a-493, or
38 a parent corporation of a hospital or an intermediary of a hospital, if the
39 contract is not renewed or is terminated by either the health carrier or
40 the participating provider, the health carrier and the participating
41 provider shall continue to abide by the terms of such contract, including
42 reimbursement terms for all health care services and provisions
43 provided under such contract, for a period of sixty days from the date
44 of termination or, in the case of a nonrenewal, from the end of the

45 contract period. Except as otherwise agreed between such health carrier
46 and such participating provider, the reimbursement terms of any
47 contract entered into by such health carrier and such participating
48 provider during said sixty-day period shall be retroactive to the date of
49 termination or, in the case of a nonrenewal, the end date of the contract
50 period. This subparagraph shall not apply if the health carrier and
51 participating provider agree, in writing, to the termination or
52 nonrenewal of the contract and the health carrier and participating
53 provider provide the notices required under subparagraphs (A) and (B)
54 of this subdivision.

55 (2) (A) For the purposes of this subdivision:

56 (i) "Active course of treatment" means (I) a medically necessary,
57 ongoing course of treatment for a life-threatening condition, (II) a
58 medically necessary, ongoing course of treatment for a serious
59 condition, (III) medically necessary care provided during the second or
60 third trimester of pregnancy, or (IV) a medically necessary, ongoing
61 course of treatment for a condition for which a treating health care
62 provider attests that discontinuing care by such health care provider
63 would worsen the covered person's condition or interfere with
64 anticipated outcomes;

65 (ii) "Life-threatening condition" means a disease or condition for
66 which the likelihood of death is probable unless the course of such
67 disease or condition is interrupted;

68 (iii) "Serious condition" means a disease or condition that requires
69 complex ongoing care such as chemotherapy, radiation therapy or
70 postoperative visits, which the covered person is currently receiving;
71 and

72 (iv) "Treating provider" means a covered person's treating health care
73 provider or a facility at which a covered person is receiving treatment,
74 that is removed from or leaves a health carrier's network pursuant to
75 subdivision (1) of this subsection.

76 (B) (i) Each health carrier shall establish and maintain reasonable
77 procedures to transition a covered person, who is in an active course of
78 treatment with a participating health care provider or at a participating
79 facility that becomes a treating provider, to another participating
80 provider in a manner that provides for continuity of care.

81 (ii) In addition to the notice required under subparagraph (B) of
82 subdivision (1) of this subsection, the health carrier shall provide to such
83 covered person (I) a list of available participating providers in the same
84 geographic area as such covered person who are of the same health care
85 provider or facility type, and (II) the procedures for how such covered
86 person may request continuity of care as set forth in this subparagraph.

87 (iii) Such procedures shall provide that:

88 (I) Any request for a continuity of care period shall be made by the
89 covered person or the covered person's authorized representative;

90 (II) A request for a continuity of care period, made by a covered
91 person who meets the requirements under subparagraph (B)(i) of this
92 subdivision or such covered person's authorized representative and
93 whose treating provider was not removed from or did not leave the
94 network for cause, shall be reviewed by the health carrier's medical
95 director after consultation with such treating provider; and

96 (III) For a covered person who is in the second or third trimester of
97 pregnancy, the continuity of care period shall extend through the
98 postpartum period.

99 (iv) The continuity of care period for a covered person who is
100 undergoing an active course of treatment shall extend to the earliest of
101 the following: (I) Termination of the course of treatment by the covered
102 person or the treating provider; (II) ninety days after the date the
103 participating provider is removed from or leaves the network, unless
104 the health carrier's medical director determines that a longer period is
105 necessary; (III) the date that care is successfully transitioned to another
106 participating provider; (IV) the date benefit limitations under the health

107 benefit plan are met or exceeded; or (V) the date the health carrier
108 determines care is no longer medically necessary.

109 (v) The health carrier shall only grant a continuity of care period as
110 provided under subparagraph (B)(iv) of this subdivision if the treating
111 provider agrees, in writing, (I) to accept the same payment from such
112 health carrier and abide by the same terms and conditions as provided
113 in the contract between such health carrier and treating provider when
114 such treating provider was a participating provider, and (II) not to seek
115 any payment from the covered person for any amount for which such
116 covered person would not have been responsible if the treating provider
117 was still a participating provider."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	38a-472f(g)