

SENATE BILL NO. 297

INTRODUCED BY ARNTZEN, KNUDSEN

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING LIMITATIONS ON THE PAYMENTS NEGOTIATED FOR PREFERRED PROVIDER AGREEMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE ~~AND A RETROACTIVE APPLICABILITY DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Limitations of preferred provider agreements. (1) Notwithstanding any other provision of law, a provider who has entered into a preferred provider agreement pursuant to this part WITH A PERSON AS DEFINED IN 33-1-202 is not required to provide a discount or accept payment at the rate agreed to in the preferred provider agreement for health care services that are provided to an insured individual if the payment for the services is made directly or indirectly or is otherwise required to be made:

- (a) under casualty insurance as described in 33-1-206; OR
- (b) under property insurance as described in 33-1-210; ~~or~~
- ~~(c) by a plan sponsor as defined in 33-22-140.~~

(2) The provisions of this section apply regardless of whether the insured may be considered a third-party beneficiary of the preferred provider agreement.

NEW SECTION. Section 2. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 33, chapter 22, ~~part 17~~ 1, and the provisions of Title 33, chapter 22, ~~part 17~~ 1, apply to [section 1].

(2) [SECTION 1] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 50, CHAPTER 4, AND THE PROVISIONS OF TITLE 50, CHAPTER 4, APPLY TO [SECTION 1].

NEW SECTION. Section 3. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.



1 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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3 ~~NEW SECTION. **Section 5. Retroactive applicability.** [This act] applies retroactively, within the~~
4 ~~meaning of 1-2-109, to all claims and occurrences on or after December 1, 2010.~~

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