

2019 -- H 5462

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representatives Jacquard, Ucci, Millea, Lima, and McNamara

Date Introduced: February 14, 2019

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness
2 Insurance Policies" is hereby amended by adding thereto the following section:

3 **27-18-61.1. Health insurance contracts -- Obligation to pay accident-negligence**
4 **claims.**

5 (a) Any health insurance contract, plan or policy delivered or issued for delivery in this
6 state shall provide coverage for any medical treatment received by any policy holder as a result of
7 being injured in a motor vehicle or other accident regardless of liability and regardless of whether
8 the policy holder is seeking or will seek damages from the responsible party.

9 (b) No health insurance provider may deny payments for any health care or medical
10 treatment because its policy holder is seeking or may seek damages from the responsible party.

11 (c) Upon payment by any health insurance provider under any contract, plan or policy
12 delivered or issued for delivery in this state, said provider shall notify the policy holder's attorney
13 or the policy holder directly in the event that the policy holder is not represented by counsel, that
14 it has paid for medical services and that it shall have a lien on any recovery the policy holder
15 receives from any third party, entity or any insurer. Any such notice of lien shall entitle any
16 health care provider to subrogation of any payment it made on behalf of its policy holder from the
17 funds received from any third party, entity or any insurer.

18 (d) Notwithstanding § 27-18-19 or any other provision to the contrary, this section shall
19 apply to blanket or group polices of insurance.

1 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service
2 Corporations" is hereby amended by adding thereto the following section:

3 **27-19-52.1. Health insurance contracts -- Obligation to pay accident-negligence**
4 **claims.**

5 (a) Any health insurance contract, plan or policy delivered or issued for delivery in this
6 state shall provide coverage for any medical treatment received by any policy holder as a result of
7 being injured in a motor vehicle or other accident regardless of liability and regardless of whether
8 the policy holder is seeking or will seek damages from the responsible party.

9 (b) No health insurance provider may deny payments for any health care or medical
10 treatment because its policy holder is seeking or may seek damages from the responsible party.

11 (c) Upon payment by any health insurance provider under any contract, plan or policy
12 delivered or issued for delivery in this state, said provider shall notify the policy holder's attorney
13 or the policy holder directly in the event that the policy holder is not represented by counsel, that
14 it has paid for medical services and that it shall have a lien on any recovery the policy holder
15 receives from any third party, entity or any insurer. Any such notice of lien shall entitle any
16 health care provider to subrogation of any payment it made on behalf of its policy holder from the
17 funds received from any third party, entity or any insurer.

18 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service
19 Corporations" is hereby amended by adding thereto the following section:

20 **27-20-47.1. Health insurance contracts -- Obligation to pay accident-negligence**
21 **claims.**

22 (a) Any health insurance contract, plan or policy delivered or issued for delivery in this
23 state shall provide coverage for any medical treatment received by any policy holder as a result of
24 being injured in a motor vehicle or other accident regardless of liability and regardless of whether
25 the policy holder is seeking or will seek damages from the responsible party.

26 (b) No health insurance provider may deny payments for any health care or medical
27 treatment because its policy holder is seeking or may seek damages from the responsible party.

28 (c) Upon payment by any health insurance provider under any contract, plan or policy
29 delivered or issued for delivery in this state, said provider shall notify the policy holder's attorney
30 or the policy holder directly in the event that the policy holder is not represented by counsel, that
31 it has paid for medical services and that it shall have a lien on any recovery the policy holder
32 receives from any third party, entity or any insurer. Any such notice of lien shall entitle any
33 health care provider to subrogation of any payment it made on behalf of its policy holder from the
34 funds received from any third party, entity or any insurer.

1 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance
2 Organizations" is hereby amended by adding thereto the following section:

3 **27-41-64.1. Health insurance contracts -- Obligation to pay accident-negligence**
4 **claims.**

5 (a) Any health insurance contract, plan or policy delivered or issued for delivery in this
6 state shall provide coverage for any medical treatment received by any policy holder as a result of
7 being injured in a motor vehicle or other accident regardless of liability and regardless of whether
8 the policy holder is seeking or will seek damages from the responsible party.

9 (b) No health insurance provider may deny payments for any health care or medical
10 treatment because its policy holder is seeking or may seek damages from the responsible party.

11 (c) Upon payment by any health insurance provider under any contract, plan or policy
12 delivered or issued for delivery in this state, said provider shall notify the policy holder's attorney
13 or the policy holder directly in the event that the policy holder is not represented by counsel, that
14 it has paid for medical services and that it shall have a lien on any recovery the policy holder
15 receives from any third party, entity or any insurer. Any such notice of lien shall entitle any
16 health care provider to subrogation of any payment it made on behalf of its policy holder from the
17 funds received from any third party, entity or any insurer.

18 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

1 This act would require all health insurance providers to provide coverage for medical
2 services received by any policy holder for injuries received in a motor vehicle or other accident
3 regardless of whether the policy holder is seeking or may seek damages from a third party. This
4 would apply to nonprofit hospital service corporations, nonprofit medical service corporations
5 and health maintenance organizations.

6 This act would take effect upon passage.

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