

Senator Allen M. Christensen proposes the following substitute bill:

VISION SERVICES AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill regulates certain insurance contract provisions for vision services.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ regulates a contract between a vision plan and a vision service provider, including contract provisions related to:
 - fees for vision services that are not covered by a vision plan; and
 - a discount program sponsored by a vision plan.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-647, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:



26 Section 1. Section 31A-22-647 is enacted to read:

27 **31A-22-647. Vision insurance -- Contract provisions.**

28 (1) As used in this section:

29 (a) "Covered individual" means an individual who has insurance coverage under a
30 vision plan.

31 (b) "Covered service" means a vision service that:

32 (i) is reimbursable under or would be reimbursable under an enrollee's vision plan, but
33 for the application of at least one of the following contractual provisions:

34 (A) a deductible;

35 (B) a copayment;

36 (C) coinsurance;

37 (D) a waiting period;

38 (E) an annual or lifetime maximum;

39 (F) a frequency limitation; or

40 (G) an alternative benefit payment; and

41 (ii) is not merely nominal, for the purpose of avoiding the requirements of this section.

42 (c) "Optometrist" means an individual licensed under Title 58, Chapter 16a, Utah
43 Optometry Practice Act.

44 (d) "Vision plan" means a health insurance policy or contract that provides vision
45 coverage.

46 (e) "Vision service" means:

47 (i) professional work performed by a vision service provider; or

48 (ii) an ophthalmic medical device, such as lenses, ophthalmic frames, contact lenses, or a
49 prosthetic device that treats a condition of the human eye or the areas surrounding the human
50 eye.

51 (f) "Vision service provider" means:

52 (i) an optometrist; or

53 (ii) an individual who provides a vision service and is licensed under:

54 (A) Title 58, Chapter 67, Utah Medical Practice Act; or

55 (B) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

56 (2) (a) This section applies to:

57 (i) a vision plan that a person enters into or renews on or after January 1, 2019; and
 58 (ii) an administrator providing third-party administration services or a provider
 59 network for a vision plan.

60 (b) This section does not apply to a self-insured vision plan that is regulated by federal
 61 law.

62 (3) A contract between a vision plan and a vision service provider to provide a covered
 63 service may not:

64 (a) except as provided in Subsection (4), require that a vision service provider provide
 65 a vision service to a covered individual at a fee set by, or a fee subject to the approval of, the
 66 vision plan unless the vision service is a covered service; or

67 (b) prohibit a vision service provider from offering or providing a vision service that is
 68 not a covered service to a covered individual at a fee determined by:

69 (i) the vision service provider; or

70 (ii) the vision service provider and the covered individual.

71 (4) (a) In accordance with Subsections (4)(b) and (c), a vision service provider may, in
 72 a contract with a vision plan, agree to participate in a discount program sponsored by the vision
 73 plan.

74 (b) A contract between a vision service provider and a vision plan to provide a covered
 75 service may not be contingent on whether the vision service provider agrees to participate in a
 76 discount program sponsored by the vision plan.

77 (c) Regardless of whether a vision service provider participates in a discount program
 78 sponsored by the vision plan, a vision plan shall offer equal treatment to a vision service
 79 provider under contract with the vision plan to provide a covered service, regarding:

80 (i) promotional treatment;

81 (ii) marketing benefits;

82 (iii) materials; and

83 (iv) contract terms for providing a covered service.

83a **H→ (5) Notwithstanding Subsection (4)(c), a vision plan may, when providing a typically-**
 83b **formatted list of vision service providers that accept the vision plan, identify whether a vision**
 83c **service provider participates in a discount program sponsored by the vision plan. ←H**