

1 H.716

2 Introduced by Representatives Buxton of Tunbridge, Krowinski of Burlington,  
3 and Zagar of Barnard

4 Referred to Committee on

5 Date:

6 Subject: Health; health insurance; substance abuse treatment

7 Statement of purpose of bill as introduced: This bill proposes to require health  
8 insurance plans covering substance abuse to provide coverage for services for  
9 the duration of a patient's withdrawal from addiction to drugs or alcohol. It  
10 also enables a patient to designate a surrogate decision-maker for decisions  
11 pertaining to the patient's health insurance plan while the patient is in  
12 withdrawal.

13 An act relating to health insurance coverage and surrogate decision-making  
14 for substance abuse treatment services

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. 8 V.S.A. § 4089m is added to read:

17 § 4089m. COVERAGE; SUBSTANCE ABUSE TREATMENT

18 (a) A health insurance plan providing coverage for substance abuse  
19 treatment shall provide coverage for inpatient substance abuse treatment  
20 services for the duration of a subscriber's withdrawal from his or her addiction

1 to drugs or alcohol, unless a health care provider recommends that the  
2 subscriber transition to outpatient services prior to the subscriber completing  
3 withdrawal.

4 (b) As used in this section:

5 (1) “Health care provider” means a person, partnership, or corporation,  
6 other than a facility or institution, licensed, certified, or otherwise authorized  
7 by law to provide professional health care services in this State to an individual  
8 during that individual’s medical care, treatment, or confinement.

9 (2) “Health insurance plan” means a health insurance policy or health  
10 benefit plan offered by a health insurer as defined in 18 V.S.A. § 9402. Health  
11 insurance plan includes any health benefit plan offered or administered by the  
12 State, or any subdivision or instrumentality of the State. Health insurance plan  
13 shall also include Medicaid and any other public health care assistance  
14 program offered or administered by the State or by any subdivision or  
15 instrumentality of the State.

16 Sec. 2. 18 V.S.A. § 4810 is added to read:

17 § 4810. SURROGATE DECISION MAKING FOR INSURANCE

18 DECISIONS DURING WITHDRAWAL

19 (a) A patient may designate one or more interested individuals to act as a  
20 surrogate decision-maker pursuant to this section for decisions pertaining to  
21 the patient’s health insurance plan while the patient is in withdrawal from his

1 or her addiction to drugs and alcohol and receiving substance abuse treatment  
2 from a health care provider. The patient shall designate any surrogate  
3 decision-maker or decision-makers prior to entering withdrawal by affirming  
4 his or her wish to designate each decision-maker on a form provided by the  
5 health care provider providing the substance abuse treatment. The health care  
6 provider shall confirm on the same form that the patient had capacity at the  
7 time the designation was made. Once completed, the health care provider shall  
8 submit a copy of the form to the patient's health insurance plan.

9 (b) A surrogate decision-maker for insurance decisions under this section  
10 may be a person other than the patient's guardian or agent appointed through  
11 an advance directive, if any.

12 (c) A surrogate decision-maker may make insurance decisions only while  
13 the patient is undergoing withdrawal from his or her addiction to drugs or  
14 alcohol.

15 (d) In the event that more than one person is designated by the patient  
16 to serve as surrogate decision-maker on a patient's behalf, the patient's  
17 health insurance plan may rely on the decision of any of the surrogate  
18 decision-makers identified pursuant to this section.

19 (e) As used in this section:

20 (1) "Health care provider" means a person, partnership, or corporation,  
21 other than a facility or institution, licensed, certified, or otherwise authorized

1 by law to provide professional health care services in this State to an individual  
2 during that individual's medical care, treatment, or confinement.

3 (2) "Health insurance plan" means a health insurance policy or health  
4 benefit plan offered by a health insurer as defined in section 9402 of this title.  
5 Health insurance plan includes any health benefit plan offered or administered  
6 by the State or any subdivision or instrumentality of the State. Health  
7 insurance plan shall also include Medicaid and any other public health care  
8 assistance program offered or administered by the State or by any subdivision  
9 or instrumentality of the State.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on July 1, 2016.