

LEGISLATIVE BILL 1253

Approved by the Governor April 6, 2000

Introduced by Crosby, 29; Bohlke, 33; Bruning, 3; Byars, 30; Kristensen, 37;
Aguilar, 35

AN ACT relating to insurance; to amend sections 44-4202 to 44-4217, 44-4219 to 44-4222, 44-4224 to 44-4228, 44-4230, 44-5223, 44-5225, 44-5246.02, 44-6901, 44-6915, 44-6918, and 77-918, Reissue Revised Statutes of Nebraska, and sections 44-4233 and 77-912, Revised Statutes Supplement, 1999; to provide requirements for coverage of hospitalization and general anesthesia for dental care; to change provisions relating to the Comprehensive Health Insurance Pool; to create a fund; to change funding provisions relating to the pool; to define and redefine terms relating to the Small Employer Health Insurance Availability Act and health benefit plans; to require coverage for adopted children; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) Notwithstanding section 44-3,131, (a) any employer group sickness and accident insurance policy or subscriber contract delivered, issued for delivery, or renewed in this state and any employer group hospital, medical, or surgical expense-incurred policy, except for policies that provide coverage for a specified disease or other limited-benefit coverage, and (b) any self-funded employee benefit plan to the extent not preempted by federal law shall include coverage for the reasonable cost of hospitalization and general anesthesia in order for a covered person to safely receive dental care if he or she is under eight years of age or is developmentally disabled.

(2) (a) This section does not prevent application of deductible or copayment provisions contained in the group policy, contract, or benefit plan or require that coverage under a group policy, contract, or benefit plan be extended to any other procedures, including dental care.

(b) This section does not prevent application of prior authorization requirements or other requirements of a managed care plan as established by the group policy, contract, or benefit plan, including a requirement that coverage under subsection (1) of this section shall be provided only through a contracted network of providers.

(3) For purposes of this section, the reasonable determination that hospitalization and general anesthesia are necessary for safe dental care shall be made by the entity providing coverage under subsection (1) of this section. Medical necessity shall be as defined by the group policy, contract, or benefit plan.

(4) For purposes of this section, hospital and hospitalization includes ambulatory surgical center and care at an ambulatory surgical center.

Sec. 2. Section 44-4202, Reissue Revised Statutes of Nebraska, is amended to read:

44-4202. It is the purpose and intent of the Legislature to provide access to health insurance coverage at an affordable premium to all residents of Nebraska, including those ~~persons~~ individuals denied insurance coverage due to a preexisting medical condition or whose policy includes a restrictive rider limiting coverage for such a condition. The purpose of the Comprehensive Health Insurance Pool Act is to provide a mechanism to ensure the availability of health insurance ~~to persons~~ coverage to individuals unable to purchase such insurance coverage for a preexisting medical condition either on an individual or group basis directly from an insurer. It is the intent of the Legislature that adequate levels of health insurance coverage be made available to residents of Nebraska who are otherwise considered uninsurable or who are underinsured due to a medical condition creating a high risk. It is the intent of the Comprehensive Health Insurance Pool Act to provide affordable insurance for ~~persons~~ individuals with such medical conditions by making such health insurance coverage available.

Sec. 3. Section 44-4203, Reissue Revised Statutes of Nebraska, is amended to read:

44-4203. For the purposes of the Comprehensive Health Insurance Pool Act, ~~unless the context otherwise requires,~~ the definitions found in sections 44-4204 to 44-4215 shall be used.

Sec. 4. Section 44-4204, Reissue Revised Statutes of Nebraska, is amended to read:

44-4204. Agent or insurance agent ~~shall mean~~ means any person