

1 ENGROSSED SENATE
2 BILL NO. 2053

By: Stanislawski of the Senate

3 and

4 Sullivan of the House

5
6 [insurance - creating Insurance Bill of Rights for
7 the Consumer - stating rights related to certain
8 claims - codification -
9 effective date]

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 3629.1 of Title 36, unless there
14 is created a duplication in numbering, reads as follows:

15 A. This section shall be known and may be cited as the
16 "Consumers' Insurance Bill of Rights".

17 B. It has come to the attention of the Legislature that there
18 have been numerous instances where consumers have had to resort to
19 litigation to compel insurers to remedy claims for medical losses
20 suffered in a motor vehicle accident. In an effort to decrease the
21 burden on the judicial system and the consumer, the Legislature
22 finds that it would be in the best interest of the citizens of the
23 state that the "Consumer Bill of Rights" be enacted.

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1 C. The consumer has the following rights as it relates to
2 medical claims directly resulting from motor vehicle accidents:

3 1. When a consumer seeks medical treatment, as a result of a
4 motor vehicle accident, and the treating physician anticipates the
5 medical cost will be in excess of Two Thousand Dollars (\$2,000.00),
6 the treating physician shall have the consumer sign a notice of
7 coverage which shall clearly state that the entire cost of the
8 medical treatment may not be paid by the insurer.

9 a. The notice of coverage shall provide a description of
10 the treatment including an estimate of the number of
11 visits necessary to complete the treatment, an
12 estimate of the out-of-pocket expenses and an estimate
13 of the total cost of the treatment plan.

14 b. The treating physician shall be required to maintain
15 the original of the notice in the patient record of
16 the consumer.

17 c. The notice of coverage shall be valid for a period of
18 one (1) year after the consumer signs the notice.

19 d. The Insurance Commissioner shall prescribe the form
20 for the notice of coverage provided for in this
21 subsection. The Commissioner shall make the form for
22 the notice of coverage available on the Insurance
23 Department's website.

1 2. If a treating physician does not comply with the
2 requirements of paragraph 1 of this subsection, the treating
3 physician shall be liable for any of the costs of the medical
4 treatment that the insurer does not pay.

5 SECTION 2. This act shall become effective November 1, 2010.

6 Passed the Senate the 9th day of March, 2010.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2010.

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Presiding Officer of the House
of Representatives

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