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**AS AMENDED**

By: Lepak, Sneed, and Roberts  
(Eric) of the House

Jett, Bullard, and  
Pemberton of the Senate

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injury is of such a nature that failure to get immediate medical care could:

1. Place the individual's health in serious jeopardy;
2. Result in serious impairment to bodily function;
3. Result in serious disfunction of a bodily organ or part;
4. Result in serious disfigurement; or
5. For pregnant women, result in serious jeopardy to the health of the fetus.

**Emergency care does not include health care services provided by an emergency facility that is not physically connected to inpatient services.**

B. It shall be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance for an insurer or an individual or entity acting on behalf of an insurer to:

1. Deter enrollees from seeking care consistent with the prudent layperson standard for emergency care; or
2. Engage in a pattern of wrongful denials of claims for emergency care.

C. If an individual's health insurance coverage includes any benefits for emergency services, there shall be no distinction made in regard to network status of an emergency care provider or facility. An enrollee's cost-sharing amount shall not be greater

1 than that which would be imposed if the services were provided in-  
2 network for emergency services.

3 D. This section shall not be construed to prohibit an insurer  
4 from imposing different cost-sharing amounts for out-of-network  
5 services so long as the services provided are not related to the  
6 evaluation and stabilization of an emergency medical care situation.

7 E. Utilization review of an emergency care claim must be  
8 performed by a physician board-certified in emergency medicine. A  
9 utilization review agent:

10 1. May not make an adverse determination for the emergency care  
11 claim based on the final diagnosis that is given, including the  
12 classification under a Current Procedural Terminology or  
13 International Classification of Diseases code; and

14 2. Must review the enrollee's medical records before making an  
15 adverse determination.

16 F. Nothing in this section may be construed as authorizing  
17 utilization review of emergency care when otherwise prohibited by  
18 law.

19 SECTION 2. This act shall become effective November 1, 2022.

20 COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT AND INSURANCE  
21 April 11, 2022 - DO PASS AS AMENDED  
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