

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 299

BY WAYS AND MEANS COMMITTEE

AN ACT

1
2 RELATING TO THE IDAHO HEALTH CARRIER EXTERNAL REVIEW ACT; AMENDING SECTION
3 41-5904, IDAHO CODE, TO DELETE LANGUAGE RELATING TO CERTAIN FINAL AD-
4 VERSE BENEFIT DETERMINATIONS AND TO PROVIDE AN OPT-IN ELECTION TO SIN-
5 GLE EMPLOYER SELF-FUNDED EMPLOYEE BENEFIT PLANS SUBJECT TO AND OPERATED
6 IN COMPLIANCE WITH THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 41-5904, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 41-5904. APPLICABILITY AND SCOPE. (1) Except as provided in subsec-
11 tion (2) of this section, this chapter shall apply to all health carriers'
12 ~~final adverse benefit determinations which involve an issue of medical ne-~~
13 ~~cessity or investigational service or supply.~~

14 (2) The provisions of this chapter shall not apply to a plan, policy
15 or certificate that provides coverage only for a specified disease, speci-
16 fied accident or accident-only coverage; nor shall this chapter apply to a
17 credit, dental, disability income, hospital indemnity, long-term care in-
18 surance, vision care, limited benefit health plans or any other limited sup-
19 plemental benefit; nor shall this chapter apply to a medicare advantage plan
20 or medicare supplemental policy of insurance, as defined by the director by
21 rule, coverage under a plan through medicare, medicaid, or the federal em-
22 ployees health benefits program, any coverage issued under chapter 55, ti-
23 tle 10, of the United States Code and any coverage issued as supplemental to
24 that coverage; nor shall this chapter apply to any coverage issued as supple-
25 mental to liability insurance, worker's compensation or similar insurance,
26 automobile medical payment insurance or any insurance under which benefits
27 are payable with or without regard to fault, whether written on a group blan-
28 ket or individual basis; nor shall this chapter apply to a single employer
29 self-funded employee benefit plan subject to and operated in compliance with
30 the employee retirement income security act of 1974 (ERISA); provided how-
31 ever, the single employer self-funded ERISA employee benefit plan adminis-
32 trator or designee may, by timely and appropriate written notice to the di-
33 rector, voluntarily elect to comply with the provisions of this chapter ei-
34 ther for a single plan beneficiary or for a specific period of time. The di-
35 rector may promulgate rules establishing the procedure for an employee ben-
36 efit plan administrator or designee, to voluntarily comply with the provi-
37 sions of this chapter and to provide for an administrative fee to be paid by
38 the employee benefit plan administrator for each voluntary external review
39 request submitted to the department pursuant to this chapter.

40 (3) The availability or use of external review pursuant to this chapter
41 shall not alter the standard of review used by a court of competent jurisdic-

1 tion when adjudicating the health carrier's final adverse benefit determi-
2 nation.