

1 S.131

2 Introduced by Senators Carris and Mullin

3 Referred to Committee on

4 Date:

5 Subject: Health; insurance forms; advance directives

6 Statement of purpose: This bill proposes to require all health insurance forms  
7 and forms for state health programs to contain an advance directive for  
8 applicants to complete. It would allow the applicant to check a box to indicate  
9 whether he or she wished the advance directive to be legally binding and  
10 contain an opt-out provision for applicants who do not wish to complete the  
11 form. The bill would also require the insurer or office of Vermont health  
12 access, as applicable, to file the advance directive with the advance directive  
13 registry.

14 An act relating to advance directives on health coverage forms

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

1       Sec. 1. 8 V.S.A. § 4073 is amended to read:

2       § 4073. APPLICATIONS FOR INSURANCE

3                               \* \* \*

4               (d)(1) No application shall be approved by the commissioner pursuant to  
5       section 4062 of this title unless the application contains or is accompanied by  
6       an advance directive form, which shall:

7                       (A) Comply with the provisions of chapter 231 of Title 18.

8                       (B) Allow an applicant to indicate by a check-box or similar means  
9       whether the applicant wishes to opt out of completing the advance directive.

10                      (C) Allow the applicant to indicate by a check-box or similar means  
11       whether the applicant wishes the advance directive, if completed, to be legally  
12       binding as to that individual.

13               (2) Along with the application for insurance and advance directive form,  
14       each insurer shall distribute to an applicant for completion a form, developed  
15       by the Vermont department of health, by which the insurer may submit to the  
16       registry, as defined in section 9701 of Title 18, an advance directive created  
17       pursuant to subdivision (1) of this subsection which the applicant has indicated  
18       he or she wishes to be legally binding. No later than 30 days following receipt  
19       of an application containing a completed advance directive that the applicant  
20       wishes to be legally binding, the insurer shall submit the advance directive and  
21       the department of health's submission form to the registry.

1       Sec. 2. 33 V.S.A. § 1901 is amended to read:

2       § 1901. ADMINISTRATION OF PROGRAM

3                               \* \* \*

4       (g)(1) The office of Vermont health access shall ensure that each  
5       application form for a health care program under this chapter contains or is  
6       accompanied by an advance directive form, which shall:

7               (A) Comply with the provisions of chapter 231 of Title 18.

8               (B) Allow an applicant to indicate by a check-box or similar means  
9       whether the applicant wishes to opt out of completing the advance directive.

10              (C) Allow the applicant to indicate by a check-box or similar means  
11       whether the applicant wishes the advance directive, if completed, to be legally  
12       binding as to that individual.

13       (2) Along with the application and advance directive form, the office of  
14       Vermont health access shall distribute to each applicant for completion a form,  
15       developed by the Vermont department of health, by which the office may  
16       submit to the registry, as defined in section 9701 of Title 18, an advance  
17       directive created pursuant to subdivision (1) of this subsection which the  
18       applicant has indicated he or she wishes to be legally binding. No later than 30  
19       days following receipt of an application containing a completed advance  
20       directive that the applicant wishes to be legally binding, the office shall submit

1     the advance directive and the department of health's submission form to the  
2     registry.

3     Sec. 3. ADVANCE DIRECTIVE REGISTRY FORMS

4         The commissioner of health shall develop a form by which a health insurer  
5     or the office of Vermont health access may submit to the advance directive  
6     registry advance directives completed by applicants for insurance or for state  
7     health programs pursuant to Secs. 1 and 2 of this act which the applicants have  
8     indicated they wish to be legally binding.