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H.398

Introduced by Representatives Berbeco of Winooski, Andrews of Westford,
Black of Essex, Cordes of Lincoln, Farlice-Rubio of Barnet,
Garofano of Essex, Krasnow of South Burlington, McGill of
Bridport, Small of Winooski, and Whitman of Bennington

Referred to Committee on

Date:

Subject: Health; health insurers; explanation of benefits; confidentiality; adult
dependents

Statement of purpose of bill as introduced: This bill proposes to prohibit
health insurers from disclosing certain information on explanation of benefits
forms regarding services received by an adult dependent.

An act relating to insurance and confidentiality for adult dependents

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

Sec. 1. 8 V.S.A. § 4078 is added to read:

§ 4078. EXPLANATION OF BENEFITS; CONFIDENTIALITY

(a) An insurer shall not specify or describe a mental health or substance use
treatment service received by an adult dependent on an explanation of benefits
form.

1 (b) The Department of Financial Regulation shall define, by rule, mental
2 health and substance use treatment services for the purposes of this section. In
3 determining those definitions, the Department shall consider the
4 recommendations of the Department of Health and the Department of Mental
5 Health and shall consult with experts in the fields of mental health and
6 substance use disorders.

7 (c) As used in this section, “adult dependent” means a child, by blood or by
8 law, of a policy subscriber who:

9 (1) is between 18 and 26 years of age;

10 (2) is unmarried;

11 (3) has no dependent;

12 (4) is a resident of this State or is enrolled as a full-time student at a
13 public or private institution of higher education in another state; and

14 (5) according to the insurer’s records, is not being provided coverage as
15 a named subscriber, insured, enrollee, or covered individual under any other
16 health benefits plan.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on passage.