

2021 -- H 5607

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LC001291  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representatives Cardillo, Costantino, Corvese, Batista, Perez, and  
Solomon

Date Introduced: February 15, 2021

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness Insurance  
2 Policies" is hereby amended by adding thereto the following section:

3 **27-18-85. Waiver of primary care provider referral requirement to a healthcare**  
4 **professional or specialist.**

5 (a) Every individual or group hospital or medical expense insurance policy or individual  
6 or group hospital or medical services plan contract, plan or certificate of insurance delivered, issued  
7 for delivery or renewed in this state, on or after January 1, 2022, shall not require that the subscriber  
8 or any dependent obtain a referral from their primary care provider to a health care professional or  
9 specialist under the following circumstances:

10 (1) Upon the retirement, death, incapacity, loss of license, relocation out of state or  
11 cessation of practice of medicine by the subscriber's or dependent's treating health care professional  
12 or specialist;

13 (2) When the subscriber or dependent has an ongoing relationship with the health care  
14 professional or specialist for a pre-existing condition, notwithstanding any gap of treatment  
15 requirement imposed by the policy, plan or contract; or

16 (3) Whenever a subscriber or a dependent without a primary care provider requires a  
17 referral to a health care professional or specialist from a hospital emergency room or emergency  
18 care facility.

19 (b) This section shall not apply to insurance coverage providing benefits for:

- 1           (1) Hospital confinement indemnity;
- 2           (2) Disability income;
- 3           (3) Accident only;
- 4           (4) Long-term care;
- 5           (5) Medicare supplement;
- 6           (6) Limited benefit health;
- 7           (7) Specified disease indemnity;
- 8           (8) Sickness or bodily injury or death by accident or both; and
- 9           (9) Other limited benefit policies.

10           SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service  
11   Corporations" is hereby amended by adding thereto the following section:

12           **27-19-77. Waiver of primary care provider referral requirement to a healthcare**  
13 **professional or specialist.**

14           (a) Every individual or group hospital or medical expense insurance policy or individual  
15 or group hospital or medical services plan contract, plan or certificate of insurance delivered, issued  
16 for delivery or renewed in this state, on or after January 1, 2022, shall not require that the subscriber  
17 or any dependent obtain a referral from their primary care provider to a health care professional or  
18 specialist under the following circumstances:

19           (1) Upon the retirement, death, incapacity, loss of license, relocation out of state or  
20 cessation of practice of medicine by the subscriber's or dependent's treating health care professional  
21 or specialist;

22           (2) When the subscriber or dependent has an ongoing relationship with the health care  
23 professional or specialist for a pre-existing condition, notwithstanding any gap of treatment  
24 requirement imposed by the policy, plan or contract; or

25           (3) Whenever a subscriber or a dependent without a primary care provider requires a  
26 referral to a health care professional or specialist from a hospital emergency room or emergency  
27 care facility.

28           (b) This section shall not apply to insurance coverage providing benefits for :

- 29           (1) Hospital confinement indemnity;
- 30           (2) Disability income;
- 31           (3) Accident only;
- 32           (4) Long-term care;
- 33           (5) Medicare supplement;
- 34           (6) Limited benefit health;

1 [\(7\) Specified disease indemnity;](#)

2 [\(8\) Sickness or bodily injury or death by accident or both; and](#)

3 [\(9\) Other limited benefit policies.](#)

4 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service  
5 Corporations" is hereby amended by adding thereto the following section:

6 **27-20-73. Waiver of primary care provider referral requirement to a healthcare**  
7 **professional or specialist.**

8 [\(a\) Every individual or group hospital or medical expense insurance policy or individual](#)  
9 [or group hospital or medical services plan contract, plan or certificate of insurance delivered, issued](#)  
10 [for delivery or renewed in this state, on or after January 1, 2022, shall not require that the subscriber](#)  
11 [or any dependent obtain a referral from their primary care provider to a health care professional or](#)  
12 [specialist under the following circumstances:](#)

13 [\(1\) Upon the retirement, death, incapacity, loss of license, relocation out of state or](#)  
14 [cessation of practice of medicine by the subscriber's or dependent's treating health care professional](#)  
15 [or specialist;](#)

16 [\(2\) When the subscriber or dependent has an ongoing relationship with the health care](#)  
17 [professional or specialist for a pre-existing condition, notwithstanding any gap of treatment](#)  
18 [requirement imposed by the policy, plan or contract; or](#)

19 [\(3\) Whenever a subscriber or a dependent without a primary care provider requires a](#)  
20 [referral to a health care professional or specialist from a hospital emergency room or emergency](#)  
21 [care facility.](#)

22 [\(b\) This section shall not apply to insurance coverage providing benefits for :](#)

23 [\(1\) Hospital confinement indemnity;](#)

24 [\(2\) Disability income;](#)

25 [\(3\) Accident only;](#)

26 [\(4\) Long-term care;](#)

27 [\(5\) Medicare supplement;](#)

28 [\(6\) Limited benefit health;](#)

29 [\(7\) Specified disease indemnity;](#)

30 [\(8\) Sickness or bodily injury or death by accident or both; and](#)

31 [\(9\) Other limited benefit policies.](#)

32 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance  
33 Organizations" is hereby amended by adding thereto the following section:

34 **27-41-90. Waiver of primary care provider referral requirement to a healthcare**

1 **professional or specialist.**

2 (a) Every individual or group hospital or medical expense insurance policy or individual  
3 or group hospital or medical services plan contract, plan or certificate of insurance delivered, issued  
4 for delivery or renewed in this state, on or after January 1, 2022, shall not require that the subscriber  
5 or any dependent obtain a referral from their primary care provider to a health care professional or  
6 specialist under the following circumstances:

7 (1) Upon the retirement, death, incapacity, loss of license, relocation out of state or  
8 cessation of practice of medicine by the subscriber's or dependent's treating health care professional  
9 or specialist;

10 (2) When the subscriber or dependent has an ongoing relationship with the health care  
11 professional or specialist for a pre-existing condition, notwithstanding any gap of treatment  
12 requirement imposed by the policy, plan or contract; or

13 (3) Whenever a subscriber or a dependent without a primary care provider requires a  
14 referral to a health care professional or specialist from a hospital emergency room or emergency  
15 care facility.

16 (b) This section shall not apply to insurance coverage providing benefits for :

17 (1) Hospital confinement indemnity;

18 (2) Disability income;

19 (3) Accident only;

20 (4) Long-term care;

21 (5) Medicare supplement;

22 (6) Limited benefit health;

23 (7) Specified disease indemnity;

24 (8) Sickness or bodily injury or death by accident or both; and

25 (9) Other limited benefit policies.

26 SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

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1           This act would waive the primary care provider referral requirement to a health care  
2 professional or specialist under certain conditions.

3           This act would take effect upon passage.

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