

2023 -- H 5338

LC000806

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

Introduced By: Representatives Baginski, Shanley, Dawson, and J. Brien

Date Introduced: February 03, 2023

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-18-59 of the General Laws in Chapter 27-18 entitled "Accident
2 and Sickness Insurance Policies" is hereby amended to read as follows:

3 **27-18-59. Eligibility for children's benefits.**

4 (a)(1) Every health benefit plan delivered, issued for delivery, or renewed in this state and
5 every group health insurance contract, plan, or policy delivered, issued for delivery or renewed in
6 this state which provides health benefits coverage for dependents, except for supplemental policies
7 which only provide coverage for specified diseases and other supplemental policies, shall make
8 coverage available for children until attainment of ~~twenty-six (26)~~ thirty (30) years of age, and an
9 unmarried child of any age who is financially dependent upon the parent and medically determined
10 to have a physical or mental impairment which can be expected to result in death or which has
11 lasted or can be expected to last for a continuous period of not less than twelve (12) months.

12 (2) With respect to a child who has not attained ~~twenty-six (26)~~ thirty (30) years of age, a
13 health insurance carrier shall not define "dependent" for purposes of eligibility for dependent
14 coverage of children other than the terms of a relationship between a child and the plan participant,
15 or subscriber.

16 (3) A health insurance carrier shall not deny or restrict coverage for a child who has not
17 attained ~~twenty-six (26)~~ thirty (30) years of age based on the presence or absence of the child's
18 financial dependency upon the participant, primary subscriber or any other person, residency with
19 the participant and in the individual market the primary subscriber, or with any other person, marital

1 status, student status, employment or any combination of those factors. A health carrier shall not
2 deny or restrict coverage of a child based on eligibility for other coverage, except as provided in
3 subparagraph (b)(1) of this section.

4 (4) Nothing in this section shall be construed to require a health insurance carrier to make
5 coverage available for the child of a child receiving dependent coverage, unless the grandparent
6 becomes the legal guardian or adoptive parent of that grandchild.

7 (5) The terms of coverage in a health benefit plan offered by a health insurance carrier
8 providing dependent coverage of children cannot vary based on age except for children who are
9 ~~twenty-six (26)~~ thirty (30) years of age or older.

10 (b)(1) For plan years beginning before January 1, 2014, a health insurance carrier providing
11 group health insurance coverage that is a grandfathered health plan and makes available dependent
12 coverage of children may exclude an adult child who has not attained ~~twenty-six (26)~~ thirty (30)
13 years of age from coverage only if the adult child is eligible to enroll in an eligible employer-
14 sponsored health benefit plan, as defined in section 5000A(f)(2) of the federal Internal Revenue
15 Code, other than the group health plan of a parent.

16 (2) For plan years, beginning on or after January 1, 2014, a health insurance carrier
17 providing group health insurance coverage that is a grandfathered health plan shall comply with
18 the requirements of subsections (a) through (e) of this section.

19 (c) This section does not apply to insurance coverage providing benefits for: (1) hospital
20 confinement indemnity; (2) disability income; (3) accident only; (4) long term care; (5) Medicare
21 supplement; (6) limited benefit health; (7) specified diseased indemnity; or (8) sickness or bodily
22 injury or death by accident or both; or (9) other limited benefit policies.

23 SECTION 2. Section 27-19-50 of the General Laws in Chapter 27-19 entitled "Nonprofit
24 Hospital Service Corporations" is hereby amended to read as follows:

25 **27-19-50. Eligibility for children's benefits.**

26 (a)(1) Every health benefit plan delivered, issued for delivery, or renewed in this state
27 which provides health benefits coverage for dependents, except for supplemental policies which
28 only provide coverage for specified diseases and other supplemental policies, shall make coverage
29 available for children until attainment of ~~twenty-six (26)~~ thirty (30) years of age, and an unmarried
30 child of any age who is financially dependent upon the parent and medically determined to have a
31 physical or mental impairment which can be expected to result in death or which has lasted or can
32 be expected to last for a continuous period of not less than twelve (12) months.

33 (2) With respect to a child who has not attained ~~twenty-six (26)~~ thirty (30) years of age, a
34 health insurance carrier shall not define "dependent" for purposes of eligibility for dependent

1 coverage of children other than the terms of a relationship between a child and the plan participant
2 or subscriber.

3 (3) A health insurance carrier shall not deny or restrict coverage for a child who has not
4 attained ~~twenty-six (26)~~ thirty (30) years of age based on the presence or absence of the child's
5 financial dependency upon the participant, primary subscriber or any other person, residency with
6 the participant and in the individual market the primary subscriber, or with any other person, marital
7 status, student status, employment or any combination of those factors. A health carrier shall not
8 deny or restrict coverage of a child based on eligibility for other coverage, except as provided in
9 (b)(1) of this section.

10 (4) Nothing in this section shall be construed to require a health insurance carrier to make
11 coverage available for the child of a child receiving dependent coverage, unless the grandparent
12 becomes the legal guardian or adoptive parent of that grandchild.

13 (5) The terms of coverage in a health benefit plan offered by a health insurance carrier
14 providing dependent coverage of children cannot vary based on age except for children who are
15 ~~twenty-six (26)~~ thirty (30) years of age or older.

16 (b)(1) For plan years beginning before January 1, 2014, a group health plan providing
17 group health insurance coverage that is a grandfathered health plan and makes available dependent
18 coverage of children may exclude an adult child who has not attained ~~twenty-six (26)~~ thirty (30)
19 years of age from coverage only if the adult child is eligible to enroll in an eligible employer-
20 sponsored health benefit plan, as defined in section 5000A(f)(2) of the federal Internal Revenue
21 Code, other than the group health plan of a parent.

22 (2) For plan years, beginning on or after January 1, 2014, a group health plan providing
23 group health insurance coverage that is a grandfathered health plan shall comply with the
24 requirements of this section.

25 (c) This section does not apply to insurance coverage providing benefits for: (1) Hospital
26 confinement indemnity; (2) Disability income; (3) Accident only; (4) Long-term care; (5) Medicare
27 supplement; (6) Limited benefit health; (7) Specified diseased indemnity; or (8) Other limited
28 benefit policies.

29 SECTION 3. Section 27-20-45 of the General Laws in Chapter 27-20 entitled "Nonprofit
30 Medical Service Corporations" is hereby amended to read as follows:

31 **27-20-45. Eligibility for children's benefits.**

32 (a)(1) Every health benefit plan delivered, issued for delivery, or renewed in this state
33 which provides health benefits coverage for dependents, except for supplemental policies which
34 only provide coverage for specified diseases and other supplemental policies, shall make coverage

1 available for children until attainment of ~~twenty-six (26)~~ thirty (30) years of age, and an unmarried
2 child of any age who is financially dependent upon the parent and medically determined to have a
3 physical or mental impairment which can be expected to result in death or which has lasted or can
4 be expected to last for a continuous period of not less than twelve (12) months.

5 (2) With respect to a child who has not attained ~~twenty-six (26)~~ thirty (30) years of age, a
6 nonprofit medical service corporation shall not define “dependent” for purposes of eligibility for
7 dependent coverage of children other than the terms of a relationship between a child and the plan
8 participant or subscriber.

9 (3) A nonprofit medical service corporation shall not deny or restrict coverage for a child
10 who has not attained ~~twenty-six (26)~~ thirty (30) years of age based on the presence or absence of
11 the child’s financial dependency upon the participant, primary subscriber or any other person,
12 residency with the participant and in the individual market the primary subscriber, or with any other
13 person, marital status, student status, employment or any combination of those factors. A nonprofit
14 medical service corporation shall not deny or restrict coverage of a child based on eligibility for
15 other coverage, except as provided in (b)(1) of this section.

16 (4) Nothing in this section shall be construed to require a health insurance carrier to make
17 coverage available for the child of a child receiving dependent coverage, unless the grandparent
18 becomes the legal guardian or adoptive parent of that grandchild.

19 (5) The terms of coverage in a health benefit plan offered by a nonprofit medical service
20 corporation or providing dependent coverage of children cannot vary based on age except for
21 children who are ~~twenty-six (26)~~ thirty (30) years of age or older.

22 (b)(1) For plan years beginning before January 1, 2014, a group health plan providing
23 group health insurance coverage that is a grandfathered health plan and makes available dependent
24 coverage of children may exclude an adult child who has not attained ~~twenty-six (26)~~ thirty (30)
25 years of age from coverage only if the adult child is eligible to enroll in an eligible employer-
26 sponsored health benefit plan, as defined in section 5000A(f)(2) of the federal Internal Revenue
27 Code, other than the group health plan of a parent.

28 (2) For plan years, beginning on or after January 1, 2014, a health insurance carrier
29 providing group health insurance coverage that is a grandfathered health plan shall comply with
30 the requirements of this section.

31 (c) This section does not apply to insurance coverage providing benefits for: (1) hospital
32 confinement indemnity; (2) disability income; (3) accident only; (4) long-term care; (5) Medicare
33 supplement; (6) limited benefit health; (7) specified diseased indemnity; or (8) other limited benefit
34 policies.

1 SECTION 4. Section 27-41-61 of the General Laws in Chapter 27-41 entitled "Health
2 Maintenance Organizations" is hereby amended to read as follows:

3 **27-41-61. Eligibility for children's benefits.**

4 (a)(1) Every health benefit plan delivered, issued for delivery, or renewed in this state
5 which provides health benefits coverage for dependents, except for supplemental policies which
6 only provide coverage for specified diseases and other supplemental policies, shall make coverage
7 available for children until attainment of ~~twenty-six (26)~~ thirty (30) years of age, and an unmarried
8 child of any age who is financially dependent upon the parent and medically determined to have a
9 physical or mental impairment which can be expected to result in death or which has lasted or can
10 be expected to last for a continuous period of not less than twelve (12) months.

11 (2) With respect to a child who has not attained ~~twenty-six (26)~~ thirty (30) years of age, a
12 health maintenance organization shall not define "dependent" for purposes of eligibility for
13 dependent coverage of children other than the terms of a relationship between a child and the plan
14 participant, or subscriber.

15 (3) A health maintenance organization shall not deny or restrict coverage for a child who
16 has not attained ~~twenty-six (26)~~ thirty (30) years of age based on the presence or absence of the
17 child's financial dependency upon the participant, primary subscriber or any other person,
18 residency with the participant and in the individual market the primary subscriber, or with any other
19 person, marital status, student status, employment or any combination of those factors. A health
20 carrier shall not deny or restrict coverage of a child based on eligibility for other coverage, except
21 as provided in (b)(1) of this section.

22 (4) Nothing in this section shall be construed to require a health maintenance organization
23 to make coverage available for the child of a child receiving dependent coverage, unless the
24 grandparent becomes the legal guardian or adoptive parent of that grandchild.

25 (5) The terms of coverage in a health benefit plan offered by a health maintenance
26 organization providing dependent coverage of children cannot vary based on age except for
27 children who are ~~twenty-six (26)~~ thirty (30) years of age or older.

28 (b)(1) For plan years beginning before January 1, 2014, a group health plan providing
29 group health insurance coverage that is a grandfathered health plan and makes available dependent
30 coverage of children may exclude an adult child who has not attained ~~twenty-six (26)~~ thirty (30)
31 years of age from coverage only if the adult child is eligible to enroll in an eligible employer-
32 sponsored health benefit plan, as defined in section 5000A(f)(2) of the federal Internal Revenue
33 Code, other than the group health plan of a parent.

34 (2) For plan years, beginning on or after January 1, 2014, a group health plan providing

1 group health insurance coverage that is a grandfathered health plan shall comply with the
2 requirements of this section

3 (c) This section does not apply to insurance coverage providing benefits for: (1) hospital
4 confinement indemnity; (2) disability income; (3) accident only; (4) long-term care; (5) Medicare
5 supplement; (6) limited benefit health; (7) specified diseased indemnity; or (8) other limited benefit
6 policies.

7 SECTION 5. This act shall take effect on on January 1, 2024.

=====
LC000806
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INSURANCE -- ACCIDENT AND SICKNESS INSURANCE POLICIES

1 This act would allow children to stay covered under the parent's health insurance plan until
2 the child reaches thirty (30) years of age.

3 This act would take effect on January 1, 2024.

=====
LC000806
=====