

2023 -- H 5539

LC001319

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 Casimiro, Noret, Spears, Roberts, Cotter, Diaz,
Chippendale, and Morales

Date Introduced: February 15, 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, including children under guardianship, until attainment of twenty-
9 six (26) years of age, and an unmarried child of any age who is financially dependent upon the
10 parent and medically determined to have a physical or mental impairment which can be expected
11 to result in death or which has lasted or can be expected to last for a continuous period of not less
12 than twelve (12) months.

13 (2) With respect to a child who has not attained twenty-six (26) years of age, a health
14 insurance carrier shall not define "dependent" for purposes of eligibility for dependent coverage of
15 children other than the terms of a relationship between a child and the plan participant, or
16 subscriber; provided, however that a child in the care of a court appointed guardian who is a plan
17 participant or subscriber, shall have rights of eligibility identical to a natural born child of the plan
18 participant or subscriber.

19 (3) A health insurance carrier shall not deny or restrict coverage for a child who has not

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

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

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

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

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

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

26 SECTION 2. This act shall take effect on January 1, 2024.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require insurers to provide coverage to children under court appointed
2 guardianship of an insured.

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

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