

2019 -- H 5922

=====
LC002028
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

—————
A N A C T

RELATING TO INSURANCE -- COMMUNICATION ACCESS

Introduced By: Representatives Handy, Jacquard, Vella-Wilkinson, Caldwell, and Serpa

Date Introduced: March 28, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

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

3 **27-18-85. Communication access services.**

4 (a) Every individual or group health insurance contract, or every individual or group
5 hospital or medical expense insurance policy, plan, or group policy delivered, issued for delivery,
6 or renewed in this state on or after January 1, 2020, shall provide coverage for effective
7 communication access services for the deaf and hard of hearing patients or identified clients.

8 (b) For the purposes of this section:

9 (1) "Communication access services" means any effective communication access services
10 recognized by either the Rehabilitation Act of 1973 or the Americans with Disabilities Act to
11 guarantee full communication access between the patients or identified clients who are deaf and
12 hard of hearing and doctors or other health care professionals to ensure that each party understood
13 their health needs and treatments. Examples of effective communication access services are sign
14 language interpreters for the deaf, certified deaf interpreters, oral interpreter, tactile interpreters,
15 Communication Access RealTime (CART) service, video remote interpreting service for the deaf,
16 remote CART service, etc.

17 (c) This section shall not apply to equipment purchased as part of communication access
18 accommodations such as TTYs, videophones, assistive listening devices, etc.

19 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service

1 Corporations" is hereby amended by adding thereto the following section:

2 **27-19-77. Communication access services.**

3 (a) Every individual or group health insurance contract, or every individual or group
4 hospital or medical expense insurance policy, plan, or group policy delivered, issued for delivery,
5 or renewed in this state on or after January 1, 2020, shall provide coverage for effective
6 communication access services for the deaf and hard of hearing patients or identified clients.

7 (b) For the purposes of this section:

8 (1) "Communication access services" means any effective communication access services
9 recognized by either the Rehabilitation Act of 1973 or the Americans with Disabilities Act to
10 guarantee full communication access between the patients or identified clients who are deaf and
11 hard of hearing and doctors or other health care professionals to ensure that each party understood
12 their health needs and treatments. Examples of effective communication access services are sign
13 language interpreters for the deaf, certified deaf interpreters, oral interpreter, tactile interpreters,
14 Communication Access RealTime (CART) service, video remote interpreting service for the deaf,
15 remote CART service, etc.

16 (c) This section shall not apply to equipment purchased as part of communication access
17 accommodations such as TTYs, videophones, assistive listening devices, etc.

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

20 **27-20-73. Communication access services.**

21 (a) Every individual or group health insurance contract, or every individual or group
22 hospital or medical expense insurance policy, plan, or group policy delivered, issued for delivery,
23 or renewed in this state on or after January 1, 2020, shall provide coverage for effective
24 communication access services for the deaf and hard of hearing patients or identified clients.

25 (b) For the purposes of this section:

26 (1) "Communication access services" means any effective communication access services
27 recognized by either the Rehabilitation Act of 1973 or the Americans with Disabilities Act to
28 guarantee full communication access between the patients or identified clients who are deaf and
29 hard of hearing and doctors or other health care professionals to ensure that each party understood
30 their health needs and treatments. Examples of effective communication access services are sign
31 language interpreters for the deaf, certified deaf interpreters, oral interpreter, tactile interpreters,
32 Communication Access RealTime (CART) service, video remote interpreting service for the deaf,
33 remote CART service, etc.

34 (c) This section shall not apply to equipment purchased as part of communication access

1 [accommodations such as TTYs, videophones, assistive listening devices, etc.](#)

2 SECTION 4. Section 27-38.2-2 of the General Laws in Chapter 27-38.2 entitled
3 "Insurance Coverage for Mental Illness and Substance Abuse" is hereby amended to read as
4 follows:

5 **27-38.2-2. Definitions.**

6 For the purposes of this chapter, the following words and terms have the following
7 meanings:

8 [\(1\) "Communication access services" means any effective communication access services](#)
9 [recognized by either the Rehabilitation Act of 1973 or the Americans with Disabilities Act to](#)
10 [guarantee full communication access between the patients or identified clients who are deaf and](#)
11 [hard of hearing and doctors or other health care professionals to ensure that each party understood](#)
12 [their health needs and treatments. Examples of effective communication access services are sign](#)
13 [language interpreters for the deaf, certified deaf interpreters, oral interpreter, tactile interpreters,](#)
14 [Communication Access RealTime \(CART\) service, video remote interpreting service for the deaf,](#)
15 [remote CART service, etc.](#)

16 [This definition shall not apply to equipment purchased as part of communication access](#)
17 [accommodations such as TTYs, videophones, assistive listening devices, etc.](#)

18 ~~(1)~~(2) "Financial requirements" means deductibles, copayments, coinsurance, or out-of-
19 pocket maximums.

20 ~~(2)~~(3) "Group health plan" means an employee welfare benefit plan as defined in 29
21 U.S.C. § 1002(1) to the extent that the plan provides health benefits to employees or their
22 dependents directly or through insurance, reimbursement, or otherwise. For purposes of this
23 chapter, a group health plan shall not include a plan that provides health benefits directly to
24 employees or their dependents, except in the case of a plan provided by the state or an
25 instrumentality of the state.

26 ~~(3)~~(4) "Health insurance plan" means health insurance coverage offered, delivered, issued
27 for delivery, or renewed by a health insurer.

28 ~~(4)~~(5) "Health insurers" means all persons, firms, corporations, or other organizations
29 offering and assuring health services on a prepaid or primarily expense-incurred basis, including
30 but not limited to, policies of accident or sickness insurance, as defined by chapter 18 of this title;
31 nonprofit hospital or medical service plans, whether organized under chapter 19 or 20 of this title
32 or under any public law or by special act of the general assembly; health maintenance
33 organizations, or any other entity that insures or reimburses for diagnostic, therapeutic, or
34 preventive services to a determined population on the basis of a periodic premium. Provided, this

1 chapter does not apply to insurance coverage providing benefits for:

- 2 (i) Hospital confinement indemnity;
- 3 (ii) Disability income;
- 4 (iii) Accident only;
- 5 (iv) Long-term care;
- 6 (v) Medicare supplement;
- 7 (vi) Limited benefit health;
- 8 (vii) Specific disease indemnity;
- 9 (viii) Sickness or bodily injury or death by accident or both; and
- 10 (ix) Other limited benefit policies.

11 ~~(5)~~(6) "Mental health or substance use disorder" means any mental disorder and
12 substance use disorder that is listed in the most recent revised publication or the most updated
13 volume of either the Diagnostic and Statistical Manual of Mental Disorders (DSM) published by
14 the American Psychiatric Association or the International Classification of Disease Manual (ICO)
15 published by the World Health Organization; provided, that tobacco and caffeine are excluded
16 from the definition of "substance" for the purposes of this chapter.

17 ~~(6)~~(7) "Non-quantitative treatment limitations" means: (i) Medical management
18 standards; (ii) Formulary design and protocols; (iii) Network tier design; (iv) Standards for
19 provider admission to participate in a network; (v) Reimbursement rates and methods for
20 determining usual, customary, and reasonable charges; and (vi) Other criteria that limit scope or
21 duration of coverage for services in the treatment of mental health and substance use disorders,
22 including restrictions based on geographic location, facility type, and provider specialty.

23 ~~(7)~~(8) "Quantitative treatment limitations" means numerical limits on coverage for the
24 treatment of mental health and substance use disorders based on the frequency of treatment,
25 number of visits, days of coverage, days in a waiting period, or other similar limits on the scope
26 or duration of treatment.

27 SECTION 5. Chapter 27-38.2 of the General Laws entitled "Insurance Coverage for
28 Mental Illness and Substance Abuse" is hereby amended by adding thereto the following section:

29 **27-38.2-71. Communication access services.**

30 (a) Every individual or group health insurance contract, or every individual or group
31 hospital or medical expense insurance policy, plan, or group policy delivered, issued for delivery,
32 or renewed in this state on or after January 1, 2020, shall provide coverage for effective
33 communication access services for the deaf and hard of hearing patients or identified clients.

34 (b) This section shall not apply to equipment purchased as part of communication access

1 [accommodations such as TTYs, videophones, assistive listening devices, etc.](#)

2 SECTION 6. Chapter 27-41 of the General Laws entitled "Health Maintenance
3 Organizations" is hereby amended by adding thereto the following section:

4 **27-41-90. Communication access services.**

5 [\(a\) Every individual or group health insurance contract, or every individual or group](#)
6 [hospital or medical expense insurance policy, plan, or group policy delivered, issued for delivery,](#)
7 [or renewed in this state on or after January 1, 2020, shall provide coverage for effective](#)
8 [communication access services for the deaf and hard of hearing patients or identified clients.](#)

9 [\(b\) For the purposes of this section:](#)

10 [\(1\) "Communication access services" means any effective communication access services](#)
11 [recognized by either the Rehabilitation Act of 1973 or the Americans with Disabilities Act to](#)
12 [guarantee full communication access between the patients or identified clients who are deaf and](#)
13 [hard of hearing and doctors or other health care professionals to ensure that each party understood](#)
14 [their health needs and treatments. Examples of effective communication access services are sign](#)
15 [language interpreters for the deaf, certified deaf interpreters, oral interpreter, tactile interpreters,](#)
16 [Communication Access RealTime \(CART\) service, video remote interpreting service for the deaf,](#)
17 [remote CART service, etc.](#)

18 [\(c\) This section shall not apply to equipment purchased as part of communication access](#)
19 [accommodations such as TTYs, videophones, assistive listening devices, etc.](#)

20 SECTION 7. This act shall take effect upon passage.

=====
LC002028
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO INSURANCE -- COMMUNICATION ACCESS

1 This act would require accident and sickness insurance policies, nonprofit hospital and
2 medical service insurance policies, mental illness and substance abuse policies and health
3 maintenance insurance policies to provide coverage for communication access services for the
4 hard-of-hearing.

5 This act would take effect upon passage.

=====
LC002028
=====