

Introduced by

Representative Karls

1 A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota  
2 Century Code, relating to out-of-pocket expenses for health care services; and to amend and  
3 reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance  
4 health care plans.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is created  
7 and enacted as follows:

8 **Out-of-pocket expenses - Health care services.**

9 1. As used in this section:

- 10 a. "Cost sharing" means any coinsurance, copayment, or deductible under a policy.  
11 b. "Enrollee" means an individual entitled to health care services under a policy.  
12 c. "Health care services" means items or services furnished to an enrollee for the  
13 purpose of preventing, alleviating, curing, or healing human illness, injury, or  
14 physical disability.  
15 d. "Policy" means an accident and health insurance policy, contract, or evidence of  
16 coverage on a group, individual, blanket, franchise, or association basis.  
17 2. To the extent permitted by federal law and regulation, an insurer may not deliver,  
18 issue, execute, or renew a policy that provides health care services coverage unless  
19 that policy provides when calculating an enrollee's overall contribution to any  
20 out-of-pocket maximum or any cost-sharing requirement under the policy, the  
21 calculation must include any amount paid by the enrollee or paid on behalf of the  
22 enrollee by another person.

23 **SECTION 2. AMENDMENT.** Section 26.1-36.6-03 of the North Dakota Century Code is  
24 amended and reenacted as follows:

1       **26.1-36.6-03. Self-insurance health plans - Requirements.**

- 2       1.    The following policy provisions apply to a self-insurance health plan or to the  
3            administrative services only or third-party administrator, and are subject to the  
4            jurisdiction of the commissioner: sections 26.1-36-03, 26.1-36-03.1, 26.1-36-05,  
5            26.1-36-10, 26.1-36-12, 26.1-36-12.4, 26.1-36-12.6, 26.1-36-13, 26.1-36-14,  
6            26.1-36-17, 26.1-36-18, 26.1-36-19, 26.1-36-23, 26.1-36-29, 26.1-36-37.1, 26.1-36-38,  
7            26.1-36-39, 26.1-36-41, 26.1-36-44, and 26.1-36-46.
- 8       2.    The following health benefit provisions applicable to a group accident and health  
9            insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are  
10           subject to the jurisdiction of the commissioner: sections 26.1-36-06, 26.1-36-06.1,  
11           26.1-36-07, 26.1-36-08, 26.1-36-08.1, 26.1-36-09, 26.1-36-09.1, 26.1-36-09.2,  
12           26.1-36-09.3, 26.1-36-09.5, 26.1-36-09.6, 26.1-36-09.7, 26.1-36-09.8, 26.1-36-09.9,  
13           26.1-36-09.10, 26.1-36-09.11, 26.1-36-09.12, 26.1-36-09.13, 26.1-36-09.14,  
14           26.1-36-09.15, 26.1-36-11, 26.1-36-12.2, 26.1-36-20, 26.1-36-21, 26.1-36-22,  
15           26.1-36-23.1, and 26.1-36-43. Section 1 of this Act applies to a self-insurance health  
16           plan and is subject to the jurisdiction of the commissioner.