

Amendment No. 169

Assembly Amendment to Assembly Bill No. 63	(BDR 57-207)
Proposed by: Committee on Commerce and Labor	
Amendment Box:	
Resolves Conflicts with: N/A	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
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Amend section 1, page 2, line 3, by deleting “**An**” and inserting:

“1. Except as otherwise provided in subsection 2, an”.

Amend section 1, page 2, line 4, by deleting “**1.**” and inserting “**(a)**”.

Amend section 1, page 2, line 8, by deleting “**2.**” and inserting “**(b)**”.

Amend section 1, page 2, line 12, by deleting “**3.**” and inserting “**(c)**”.

Amend section 1, page 2, between lines 15 and 16, by inserting:

“2. The provisions of this section do not prohibit an insurer from enforcing a provision included in a policy of health insurance pursuant to NRS 689A.270 to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel a policy of health insurance solely because of such a claim; or

JCB/KMG

Date: 4/7/2005

A.B. No. 63—Prohibits certain practices by health insurers with regard to injuries sustained while under influence of alcohol or controlled substance.

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(c) Refuse to issue a policy of health insurance to an eligible applicant solely because of such a claim.”.

Amend sec. 3, page 2, line 32, by deleting “**An**” and inserting:

“1. Except as otherwise provided in subsection 2, an”.

Amend sec. 3, page 2, line 33, by deleting “**1.**” and inserting “**(a)**”.

Amend sec. 3, page 2, line 37, by deleting “**2.**” and inserting “**(b)**”.

Amend sec. 3, page 3, line 3, by deleting “**3.**” and inserting “**(c)**”.

Amend sec. 3, page 3, between lines 6 and 7, by inserting:

“2. The provisions of this section do not prohibit an insurer from enforcing a provision included in a policy of group health insurance to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel a policy of group health insurance solely because of such a claim; or

(c) Refuse to issue a policy of group health insurance to an eligible applicant solely because of such a claim.”.

Amend sec. 4, page 3, line 9, by deleting “**A**” and inserting:

“1. Except as otherwise provided in subsection 2, a”.

Amend sec. 4, page 3, line 10, by deleting “**1.**” and inserting “**(a)**”.

Amend sec. 4, page 3, line 14, by deleting “**2.**” and inserting “**(b)**”.

Amend sec. 4, page 3, line 18, by deleting “**3.**” and inserting “**(c)**”.

Amend sec. 4, page 3, between lines 21 and 22, by inserting:

“2. The provisions of this section do not prohibit a carrier from enforcing a provision included in a health benefit plan to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel participation in a health benefit plan solely because of such a claim; or

(c) Refuse participation in a health benefit plan to an eligible applicant solely because of such a claim.”.

Amend sec. 5, page 3, line 24, by deleting “A” and inserting:

“1. Except as otherwise provided in subsection 2, a”.

Amend sec. 5, page 3, line 25, by deleting “1.” and inserting “(a)”.

Amend sec. 5, page 3, line 29, by deleting “2.” and inserting “(b)”.

Amend sec. 5, page 3, line 33, by deleting “3.” and inserting “(c)”.

Amend sec. 5, page 3, between lines 36 and 37, by inserting:

“2. The provisions of this section do not prohibit a society from enforcing a provision included in a benefit contract to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel a benefit contract solely because of such a claim; or

(c) Refuse to issue a benefit contract to an eligible applicant solely because of such a claim.”.

Amend sec. 6, page 3, line 39, by deleting “A” and inserting:

“1. Except as otherwise provided in subsection 2, a”.

Amend sec. 6, page 3, line 41, by deleting “1.” and inserting “(a)”.

Amend sec. 6, page 4, line 1, by deleting “2.” and inserting “(b)”.

Amend sec. 6, page 4, line 5, by deleting “3.” and inserting “(c)”.

Amend sec. 6, page 4, between lines 8 and 9, by inserting:

“2. The provisions of this section do not prohibit a medical services corporation from enforcing a provision included in a contract for hospital, medical or dental services to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel such a contract solely because of such a claim; or

(c) Refuse to issue such a contract to an eligible applicant solely because of such a claim.”.

Amend sec. 7, page 4, line 11, by deleting “A” and inserting:

“1. Except as otherwise provided in subsection 2, a”.

Amend sec. 7, page 4, line 12, by deleting “1.” and inserting “(a)”.

Amend sec. 7, page 4, line 16, by deleting “2.” and inserting “(b)”.

Amend sec. 7, page 4, line 20, by deleting “3.” and inserting “(c)”.

Amend sec. 7, page 4, between lines 23 and 24, by inserting:

“2. The provisions of this section do not prohibit a health maintenance organization from enforcing a provision included in a health care plan to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel participation under a health care plan solely because of such a claim; or

(c) Refuse participation under a health care plan to an eligible applicant solely because of such a claim.”.

Amend sec. 8, page 4, line 26, by deleting “**An**” and inserting:

“1. Except as otherwise provided in subsection 2, an”.

Amend sec. 8, page 4, line 27, by deleting “**1.**” and inserting “**(a)**”.

Amend sec. 8, page 4, line 31, by deleting “**2.**” and inserting “**(b)**”.

Amend sec. 8, page 4, line 35, by deleting “**3.**” and inserting “**(c)**”.

Amend sec. 8, page 4, between lines 38 and 39, by inserting:

“2. The provisions of this section do not prohibit an organization for dental care from enforcing a provision included in a plan for dental care to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured’s commission of or attempt to commit a felony;

(b) Cancel participation under a plan for dental care solely because of such a claim; or

(c) Refuse participation under a plan for dental care to an eligible applicant solely because of such a claim.”.

Amend sec. 10, page 5, line 24, by deleting “**A**” and inserting:

“1. Except as otherwise provided in subsection 2, a”.

Amend sec. 10, page 5, line 25, by deleting “**1.**” and inserting “**(a)**”.

Amend sec. 10, page 5, line 29, by deleting “**2.**” and inserting “**(b)**”.

Amend sec. 10, page 5, line 33, by deleting “**3.**” and inserting “**(c)**”.

Amend sec. 10, page 5, between lines 36 and 37, by inserting:

“2. The provisions of this section do not prohibit a managed care organization from enforcing a provision included in a health care plan to:

(a) Deny a claim which involves an injury to which a contributing cause was the insured's commission of or attempt to commit a felony;

(b) Cancel participation under a health care plan solely because of such a claim; or

(c) Refuse participation under a health care plan to an eligible applicant solely because of such a claim.”.

Amend sec. 13, page 7, line 19, by deleting:

“October 1, 2005” and inserting:

“July 1, 2006”.

Amend the bill as a whole by renumbering sec. 14 as sec. 15 and adding a new section designated sec. 14, following sec. 13, to read as follows:

“Sec. 14. This act becomes effective on July 1, 2006.”.

Amend the title of the bill to read as follows:

“AN ACT relating to insurance; prohibiting certain health insurers from denying certain claims solely because the claims involve an insured who was injured while intoxicated or under the influence of a controlled substance; prohibiting certain health insurers from cancelling or refusing to issue a policy or contract of health insurance solely because an insured or applicant has made such a claim in certain circumstances; repealing a section in the Uniform Health Policy Provision Law which allows certain health insurers to deny claims involving losses sustained by an insured while intoxicated or under the influence of a narcotic; providing penalties; and providing other matters properly relating thereto.”.

**If this amendment is adopted, the Legislative
Counsel's Digest will be changed to read as follows:**

Legislative Counsel's Digest:

Under existing law, certain health insurers may deny a claim because the insured person was injured while under the influence of alcohol or drugs. (NRS 689A.280)

This bill repeals that existing law. This bill further specifically prohibits certain health insurers from denying a claim solely because the insured person was injured while under the influence of alcohol or drugs. This bill also prohibits those health insurers from cancelling or refusing to issue a policy solely because an insured person or a person eligible to apply for the policy has made such a claim. The bill provides, however, that such health insurers may deny a claim or cancel or refuse to issue a policy if the claim involved an injury sustained in connection with the insured's commission of a felony or attempt to commit a felony regardless of whether the person was injured while under the influence of alcohol or drugs.

A health insurer that violates the provisions of this bill is subject to the general penalty provisions that apply to all types of insurers and to any specific penalty provision that applies to particular types of health insurers. (NRS 679A.180, 695A.580, 695C.350, 695D.300, 695F.360)