

NOTICE OF  
CHANGE IN PROPOSED RULE

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

1. Agency: Insurance - Administration  
Room no.: 3110  
Building: STATE OFFICE BLDG  
Street address 1: 450 N MAIN ST  
Street address 2:  
City, state, zip: SALT LAKE CITY UT 84114-1201  
Mailing address 1: PO BOX 146901  
Mailing address 2:  
City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name:	Phone:	Fax:	E-mail:
Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 35103 Date filed: 10/14/2011 11:40 AM  
State Admin Rule Filing Key: 151599  
Utah Admin. Code ref. (R no.): R 590 - 192 -  
Changed to Admin. Code ref. (R no.): - -

Title

2. Title of rule or section (catchline):  
Unfair Accident and Health Claims Settlement Practices

Notice Type

3. Type of notice: Change in Proposed Rule  
Changes original proposed rule file no.:35103

Rule Purpose

4. Purpose of the rule or reason for the change:  
This rule is being changed to comply with changes in federal regulations, Technical Release number 2011-02 from the Department of Labor.

Response Information

5. This change is a response to comments by the Administrative Rules Review Committee.  
No

Rule Summary

6. Summary of the rule or change:  
The requirement to make urgent care decisions within 24 hours is being reversed to 72 hours.

#### Aggregate Cost Information

##### 7. Aggregate anticipated cost or savings to:

###### A) State budget:

Affected: No

This change will have no fiscal impact on the department. It will not affect filings made to the department or its revenues and expenses.

###### B) Local government:

Affected: No

The change to this rule will have no impact on local government since it deals solely with the information being provided by a medical provider to the insurance company.

###### C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

The change to this rule affects decisions made by insurance companies who are large employers.

###### D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

The change provides insurers with an additional 48 hours to make urgent care claim decisions. This was the requirement prior to 6/30/2011 when the requirement was changed to 24 hours. The department is not aware of any fiscal impact this may have on consumers, insurers or medical providers.

#### Compliance Cost Information

##### 8. Compliance costs for affected persons:

The change provides insurers with an additional 48 hours to make urgent care claim decisions. This was the requirement prior to 6/30/2011 when the requirement was changed to 24 hours. The department is not aware of any fiscal impact this may have on consumers, insurers or medical providers.

#### Department Head Comments

##### 9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The changes to this rule should have to fiscal impact on those involved in urgent care claims issues. It is a procedural change.

##### B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Commissioner

#### Citation Information

##### 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Section 31A-1-301

Section 31A-2-201

Section 31A-2-204

Section 31A-2-308

Section 31A-21-312

Section 31A-26-303

## Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:

Date Issued:

Issue, or version:

ISBN Number:

ISSN Number:

Cost of Incorporated Reference:

Adds, updates, removes:

## Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

12/01/2011

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

11/15/2011

11:00 AM

State Office Bldg, 450 N State Street, Room 3112, Salt Lake City, UT

## Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

12/08/2011

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

## Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- insurance law

## File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

## To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

## Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information  
Specialist

Date (mm/dd/yyyy): 10/14/2011