



*HOUSE* BILL NO. *260*

INTRODUCED BY

*B. Bauteant Baudaner Eck*

*Whalen, Ruffe, Coalliailla, McAllen, Roney, Hagan, Douglas, Eggen, Bradley*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSURERS, HEALTH SERVICE CORPORATIONS, AND HEALTH MAINTENANCE ORGANIZATIONS TRANSACTING HEALTH INSURANCE BUSINESS IN THIS STATE TO PROVIDE COVERAGE FOR ADOPTED CHILDREN ON THE SAME BASIS AS OTHER DEPENDENTS; REQUIRING COVERAGE OF AN ADOPTED CHILD'S CONDITIONS THAT EXIST PRIOR TO PLACEMENT OF THE ADOPTED CHILD IN THE ADOPTIVE HOME; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Coverage for adopted children

from time of placement -- preexisting conditions. (1) Each group and individual disability policy, certificate of insurance, or membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state and that provides coverage for a family member of the insured or subscriber must provide coverage for an adopted child of the insured or subscriber on the same basis as other dependents.

(2) The coverage required by this section must be effective from the date of placement for the purpose of adoption and must continue unless the placement is disrupted

prior to legal adoption and the child is removed from placement. Coverage must include the necessary care and treatment of medical conditions existing prior to the date of placement.

(3) As used in this section, "placement" means in the physical custody of the adoptive parent.

NEW SECTION. **Section 2.** Coverage for adopted children

from time of placement -- preexisting conditions. (1) Each individual or group membership contract issued or amended by a health service corporation in this state that provides coverage of dependent children of a member must provide coverage for an adopted child of the member on the same basis as other dependents.

(2) The coverage required by this section must be effective from the date of placement for the purpose of adoption and must continue unless the placement is disrupted prior to legal adoption and the child is removed from placement. Coverage must include the necessary care and treatment of medical conditions existing prior to the date of placement.

(3) As used in this section, "placement" means in the physical custody of the adoptive parent.

NEW SECTION. **Section 3.** Coverage for adopted children

from time of placement -- preexisting conditions. (1) Each health maintenance contract regulated under this chapter

1 must provide coverage for an adopted child of the enrollee  
2 on the same basis as other dependents.

3 (2) The coverage required by this section must be  
4 effective from the date of placement for the purpose of  
5 adoption and must continue unless the placement is disrupted  
6 prior to legal adoption and the child is removed from  
7 placement. Coverage must include the necessary care and  
8 treatment of medical conditions existing prior to the date  
9 of placement.

10 (3) As used in this section, "placement" means in the  
11 physical custody of the adoptive parent.

12 NEW SECTION. Section 4. Codification instruction. (1)  
13 [Section 1] is intended to be codified as an integral part  
14 of Title 33, chapter 22, part 1, and the provisions of Title  
15 33, chapter 22, part 1, apply to [section 1].

16 (2) [Section 2] is intended to be codified as an  
17 integral part of Title 33, chapter 30, part 10, and the  
18 provisions of Title 33, chapter 30, part 10, apply to  
19 [section 2].

20 (3) [Section 3] is intended to be codified as an  
21 integral part of Title 33, chapter 31, part 1, and the  
22 provisions of Title 33, chapter 31, part 1, apply to  
23 [section 3].

24 NEW SECTION. Section 5. Applicability. [This act]  
25 applies to policies, certificates, or contracts delivered,

1 issued for delivery, or renewed in this state on or after  
2 January 1, 1992.

-End-

APPROVED BY COMM. ON HUMAN SERVICES AND AGING

HOUSE BILL NO. 260

INTRODUCED BY BARNEART, BARDANOUVE, ECK, SOUTHWORTH, COCCHIARELLA, MCCULLOCH, RANEY, HARPER, VAUGHN, WHALEN, O'KEEFE, JACOBSON, SQUIRES, BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSURERS, HEALTH SERVICE CORPORATIONS, AND HEALTH MAINTENANCE ORGANIZATIONS TRANSACTING HEALTH INSURANCE BUSINESS IN THIS STATE TO PROVIDE COVERAGE FOR ADOPTED CHILDREN ON TO THE SAME BASIS EXTENT AS OTHER-DEPENDENTS FOR NATURAL CHILDREN OF THE INSURED; REQUIRING COVERAGE OF AN A NEWBORN ADOPTED CHILD'S CONDITIONS THAT EXIST PRIOR TO PLACEMENT OF THE ADOPTED CHILD IN THE ADOPTIVE HOME; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Coverage for adopted children from time of placement -- preexisting conditions. (1) Each group and individual disability policy, certificate of insurance, or membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state and that provides coverage for a family member of the insured or subscriber must provide coverage for an adopted child of the insured or subscriber on TO the same basis EXTENT as other--dependents FOR NATURAL CHILDREN OF THE

INSURED OR SUBSCRIBER.

(2) The coverage required by this section must be effective from the date of placement for the purpose of adoption and must continue unless the placement is disrupted prior to legal adoption and the child is removed from placement. Coverage FOR NEWBORN INFANTS AS PROVIDED IN 33-22-301 AND 33-22-504 must include the necessary care and treatment of medical conditions existing prior to the date of placement.

(3) As used in this section, "placement" means in-the physical--custody--of--the--adoptive--parent PLACEMENT FOR ADOPTION AS DEFINED IN 40-8-103.

NEW SECTION. Section 2. Coverage for adopted children from time of placement -- preexisting conditions. (1) Each individual or group membership contract issued or amended by a health service corporation in this state that provides coverage of dependent children of a member must provide coverage for an adopted child of the member on TO the same basis EXTENT as other-dependents FOR NATURAL CHILDREN OF THE MEMBER.

(2) The coverage required by this section must be effective from the date of placement for the purpose of adoption and must continue unless the placement is disrupted prior to legal adoption and the child is removed from placement. Coverage FOR NEWBORN INFANTS AS PROVIDED IN



1 ~~33-30-1001~~ must include the necessary care and treatment of  
2 medical conditions existing prior to the date of placement.

3 (3) As used in this section, "placement" means ~~in--the~~  
4 ~~physical--custody--of--the--adoptive--parent~~ PLACEMENT FOR  
5 ADOPTION AS DEFINED IN 40-8-103.

6 NEW SECTION. Section 3. Coverage for adopted children  
7 from time of placement -- preexisting conditions. (1) Each  
8 health maintenance contract regulated under this chapter  
9 must provide coverage for an adopted child of the enrollee  
10 on TO the same basis EXTENT as other dependents FOR NATURAL  
11 CHILDREN OF THE ENROLLEE.

12 (2) The coverage required by this section must be  
13 effective from the date of placement for the purpose of  
14 adoption and must continue unless the placement is disrupted  
15 prior to legal adoption and the child is removed from  
16 placement. Coverage FOR NEWBORN INFANTS AS PROVIDED IN  
17 33-31-102(1)(E) must include the necessary care and  
18 treatment of medical conditions existing prior to the date  
19 of placement.

20 (3) As used in this section, "placement" means ~~in--the~~  
21 ~~physical--custody--of--the--adoptive--parent~~ PLACEMENT FOR  
22 ADOPTION AS DEFINED IN 40-8-103.

23 NEW SECTION. Section 4. Codification instruction. (1)  
24 [Section 1] is intended to be codified as an integral part  
25 of Title 33, chapter 22, part 1, and the provisions of Title

1 33, chapter 22, part 1, apply to [section 1].

2 (2) [Section 2] is intended to be codified as an  
3 integral part of Title 33, chapter 30, part 10, and the  
4 provisions of Title 33, chapter 30, part 10, apply to  
5 [section 2].

6 (3) [Section 3] is intended to be codified as an  
7 integral part of Title 33, chapter 31, part 1, and the  
8 provisions of Title 33, chapter 31, part 1, apply to  
9 [section 3].

10 NEW SECTION. Section 5. Applicability. [This act]  
11 applies to policies, certificates, or contracts delivered,  
12 issued for delivery, or renewed in this state on or after  
13 January 1, 1992.

-End-

## 1 HOUSE BILL NO. 260

2 INTRODUCED BY BARNHART, BARDANOUE, ECK, SOUTHWORTH,  
 3 COCCHIARELLA, MCCULLOCH, RANEY, HARPER, VAUGHN, WHALEN,  
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 6 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING INSURERS,  
 7 HEALTH SERVICE CORPORATIONS, AND HEALTH MAINTENANCE  
 8 ORGANIZATIONS TRANSACTING HEALTH INSURANCE BUSINESS IN THIS  
 9 STATE TO PROVIDE COVERAGE FOR ADOPTED CHILDREN ~~ON~~ TO THE  
 10 SAME BASIS EXTENT AS OTHER-DEPENDENTS FOR NATURAL CHILDREN  
 11 OF THE INSURED; REQUIRING COVERAGE OF AN A-NEWBORN AN  
 12 ADOPTED CHILD'S CONDITIONS THAT EXIST PRIOR TO PLACEMENT OF  
 13 THE ADOPTED CHILD IN THE ADOPTIVE HOME; AND PROVIDING AN  
 14 APPLICABILITY DATE."

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 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 NEW SECTION. Section 1. Coverage for adopted children  
 18 from time of placement -- preexisting conditions. (1) Each  
 19 group and individual disability policy, certificate of  
 20 insurance, or membership contract that is delivered, issued  
 21 for delivery, renewed, extended, or modified in this state  
 22 and that provides coverage for a family member of the  
 23 insured or subscriber must provide coverage for an adopted  
 24 child of the insured or subscriber ~~on~~ TO the same ~~basis~~  
 25 EXTENT as ~~other--dependents~~ FOR NATURAL CHILDREN OF THE

1 INSURED OR SUBSCRIBER.

2 (2) The coverage required by this section must be  
 3 effective from the date of placement for the purpose of  
 4 adoption and must continue unless the placement is disrupted  
 5 prior to legal adoption and the child is removed from  
 6 placement. Coverage ~~FOR--NEWBORN--INFANTS--AS--PROVIDED--IN~~  
 7 ~~33-22-301--AND--33-22-504~~ AT THE TIME OF PLACEMENT must  
 8 include the necessary care and treatment of medical  
 9 conditions existing prior to the date of placement.

10 (3) As used in this section, "placement" means ~~in--the~~  
 11 ~~physical--custody--of--the--adoptive--parent~~ PLACEMENT FOR  
 12 ADOPTION AS DEFINED IN 40-8-103.

13 NEW SECTION. Section 2. Coverage for adopted children  
 14 from time of placement -- preexisting conditions. (1) Each  
 15 individual or group membership contract issued or amended by  
 16 a health service corporation in this state that provides  
 17 coverage of dependent children of a member must provide  
 18 coverage for an adopted child of the member ~~on~~ TO the same  
 19 basis EXTENT as other-dependents FOR NATURAL CHILDREN OF THE  
 20 MEMBER.

21 (2) The coverage required by this section must be  
 22 effective from the date of placement for the purpose of  
 23 adoption and must continue unless the placement is disrupted  
 24 prior to legal adoption and the child is removed from  
 25 placement. Coverage ~~FOR--NEWBORN--INFANTS--AS--PROVIDED--IN~~

1 ~~33-30-1001~~ AT THE TIME OF PLACEMENT must include the  
2 necessary care and treatment of medical conditions existing  
3 prior to the date of placement.

4 (3) As used in this section, "placement" means ~~in-the~~  
5 ~~physical--custody--of--the--adoptive--parent~~ PLACEMENT FOR  
6 ADOPTION AS DEFINED IN 40-8-103.

7 NEW SECTION. Section 3. Coverage for adopted children  
8 from time of placement -- preexisting conditions. (1) Each  
9 health maintenance contract regulated under this chapter  
10 must provide coverage for an adopted child of the enrollee  
11 on TO the same basis EXTENT as other-dependents FOR NATURAL  
12 CHILDREN OF THE ENROLLEE.

13 (2) The coverage required by this section must be  
14 effective from the date of placement for the purpose of  
15 adoption and must continue unless the placement is disrupted  
16 prior to legal adoption and the child is removed from  
17 placement. Coverage ~~FOR--NEWBORN--INFANTS--AS--PROVIDED--IN~~  
18 ~~33-31-102(i)(2)~~ AT THE TIME OF PLACEMENT must include the  
19 necessary care and treatment of medical conditions existing  
20 prior to the date of placement.

21 (3) As used in this section, "placement" means ~~in-the~~  
22 ~~physical--custody--of--the--adoptive--parent~~ PLACEMENT FOR  
23 ADOPTION AS DEFINED IN 40-8-103.

24 NEW SECTION. Section 4. Codification instruction. (1)  
25 [Section 1] is intended to be codified as an integral part

1 of Title 33, chapter 22, part 1, and the provisions of Title  
2 33, chapter 22, part 1, apply to [section 1].

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5 provisions of Title 33, chapter 30, part 10, apply to  
6 [section 2].

7 (3) [Section 3] is intended to be codified as an  
8 integral part of Title 33, chapter 31, part 1, and the  
9 provisions of Title 33, chapter 31, part 1, apply to  
10 [section 3].

11 NEW SECTION. Section 5. Applicability. [This act]  
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13 issued for delivery, or renewed in this state on or after  
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 18 ~~33-31-102(1)(B)~~ AT THE TIME OF PLACEMENT must include the  
 19 necessary care and treatment of medical conditions existing  
 20 prior to the date of placement.

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