State of Tennessee

PUBLIC CHAPTER NO. 238

HOUSE BILL NO. 922

By Representatives Reedy, Ragan, Moody

Substituted for: Senate Bill No. 1283

By Senators Green, Johnson

AN ACT to amend Tennessee Code Annotated, Title 8, relative to insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-27-302, is amended by adding the following new subsection (g):

(1) Except as otherwise provided in subdivision (g)(5), within thirty (30) days of receipt of a written request for claims data from a local education agency (LEA), the local education insurance committee shall provide claims data for the purpose of underwriting and premium rating as described in subdivision (g)(2) if:

(A) The LEA, as part of its written request for claims data, identifies the HIPAA covered entity the local education insurance committee should provide with the claims data, including contact information necessary for transmittal of the claims data; and

(B) The LEA submits a confidentiality agreement from each proposed recipient along with the request, which includes the recipient's certification that it is a HIPAA covered health plan as defined by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.).

(2) Upon the covered entity's receipt of the requested claims data, the LEA may request certification of the accuracy and completeness of the claims data by an outside independent consultant, selected and retained by the local education insurance committee. The LEA shall reimburse the state for the fees charged by the outside consultant for review and certification, pursuant to the hourly rates in the state's consulting agreement.

(3) No contract or memorandum of understanding may limit the local education agency's access to claims data in a manner contrary to this subsection (g).

(4) The release of claims data pursuant to this subsection (g) must meet the minimum standards established by the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.) and the rules and regulations promulgated by federal authorities in connection with HIPAA.

(5)

(A) Notwithstanding subdivision (g)(1), the thirty-day response requirement does not apply if more than ten (10) requests for claims data under this subsection (g) are pending.

(B) Upon request by an LEA, the local education insurance committee shall provide information regarding pending requests and the response time.

SECTION 2. Tennessee Code Annotated, Section 8-27-301(b), is amended by adding the following language as a new subdivision:

( ) "Claims data" means:

(A) A general claims data set aggregated by month and year, for the most recent thirty-six (36) months of available data, and describing the claims experience with the following information:

(i) Number of enrolled employees, including whether the individual is active or a retiree;

(ii) Number of members;

(iii) Charges submitted;

(iv) Allowed amount;

(v) Deductible amount;

(vi) Copayments;

(vii) Coinsurance amounts;

(viii) Third-party amounts; and

(ix) Net payment; and

(B) A large claims data set aggregated by month and year, for the most recent thirty-six (36) months of available data, and describing the net or allowed payments for individuals exceeding twenty-five thousand dollars ($25,000), and describing the claims experience with the following information:

(i) Fund code designating whether the individual is active or a retiree;

(ii) Year of birth;

(iii) Principal diagnosis code;

(iv) The net or allowed amount paid on behalf of the individual; and

(v) A sequential member reference number rather than the individual's name.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

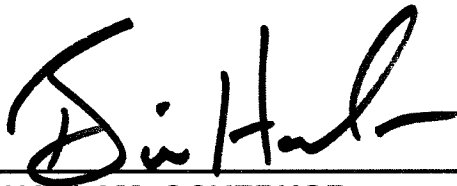HOUSE BILL NO. ___922___

PASSED: ___April 17, 2017___

(signature)

BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

(signature)

RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this _28th_ day of _April_ 2017

(signature)

BILL HASLAM, GOVERNOR