

§4320-L. Nondiscrimination

1. Nondiscrimination. An individual may not, on the basis of race, color, national origin, sex, sexual orientation, gender identity, age or disability, be excluded from participation in, be denied benefits of or otherwise be subjected to discrimination under any health plan offered in accordance with this Title. A carrier may not in offering, providing or administering a health plan:

A. Deny, cancel, limit or refuse to issue or renew a health plan or other health-related coverage, deny or limit coverage of a claim or impose additional cost sharing or other limitations or restrictions on coverage on the basis of race, color, national origin, sex, sexual orientation, gender identity, age or disability; [PL 2019, c. 5, Pt. C, §2 (NEW).]

B. Have or implement marketing practices or benefit designs that discriminate on the basis of race, color, national origin, sex, sexual orientation, gender identity, age or disability in a health plan or other health-related coverage; [PL 2019, c. 5, Pt. C, §2 (NEW).]

C. Deny or limit coverage, deny or limit coverage of a claim or impose additional cost sharing or other limitations or restrictions on coverage for any health services that are ordinarily or exclusively available to individuals of one sex to a transgender individual based on the fact that the individual's sex assigned at birth, gender identity or gender otherwise recorded is different from the one to which such health services are ordinarily or exclusively available; [PL 2019, c. 5, Pt. C, §2 (NEW).]

D. Have or implement a categorical coverage exclusion or limitation for all health services related to gender transition; or [PL 2019, c. 5, Pt. C, §2 (NEW).]

E. Otherwise deny or limit coverage, deny or limit coverage of a claim or impose additional cost sharing or other limitations or restrictions on coverage for specific health services related to gender transition if such denial, limitation or restriction results in discrimination against a transgender individual. [PL 2019, c. 5, Pt. C, §2 (NEW).]

Nothing in this subsection is intended to determine or restrict a carrier from determining whether a particular health service is medically necessary or otherwise meets applicable coverage requirements in any individual case.

[PL 2019, c. 5, Pt. C, §2 (NEW).]

2. Meaningful access for individuals with limited English proficiency. A carrier shall take reasonable steps to provide meaningful access to each enrollee or prospective enrollee under a health plan who has limited proficiency in English.

[PL 2019, c. 5, Pt. C, §2 (NEW).]

3. Effective communication for persons with disabilities. A carrier shall take reasonable steps to ensure that communication with an enrollee or prospective enrollee in a health plan who is an individual with a disability is as effective as communication with other enrollees or prospective enrollees.

[PL 2019, c. 5, Pt. C, §2 (NEW).]

SECTION HISTORY

PL 2019, c. 5, Pt. C, §2 (NEW).

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