

110TH CONGRESS  
1ST SESSION

# S. 2268

To require issuers of long term care insurance to establish third party review processes for disputed claims.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2007

Ms. KLOBUCHAR (for herself and Ms. MIKULSKI) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To require issuers of long term care insurance to establish third party review processes for disputed claims.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Long Term Care In-  
5 surance Integrity Act of 2007”.

6 **SEC. 2. LONG TERM CARE INSURANCE DISPUTE RESOLU-**  
7 **TION REVIEW PROCESS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-  
9 sion of law, an insurance issuer that offers a long term  
10 care insurance plan shall develop and implement claims

1 dispute resolution procedures that comply with the re-  
 2 quirements of this section that shall be applicable to such  
 3 plan.

4 (b) REQUIREMENT.—A claims dispute resolution pro-  
 5 cedure under subsection (a) shall—

6 (1) be designed to expeditiously resolve disputes  
 7 concerning claims under the plan involved;

8 (2) with respect to such disputes provide for the  
 9 application of one or more alternative means of dis-  
 10 pute resolution involving independent third-party re-  
 11 view under appropriate circumstances by entities  
 12 that are mutually acceptable to the issuer and the  
 13 enrollee involved, with the decision of such reviewer  
 14 being binding on the issuer; and

15 (3) ensure that an enrollee is eligible to obtain  
 16 claims review only to the extent and in the manner  
 17 provided for in the applicable insurance contract.

18 (c) APPEALS.—An enrollee may appeal the decision  
 19 of an independent reviewer under subsection (b)(2) to an  
 20 appropriate State court as provided for under State law.

21 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
 22 tion shall be construed to provide authority for an inde-  
 23 pendent third-party reviewer under subsection (b)(2) to  
 24 modify the terms of any long term care insurance contract.

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