

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

HEALTH (MISCELLANEOUS) AMENDMENT ACT 2017

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WHEREAS it is expedient to amend the Bermuda Health Council Act 2004, the Bermuda Hospitals Board Act 1970, the Health Insurance Act 1970, the Health Insurance (Artificial Limbs and Appliances) Regulations 1971, the Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009, the Health Insurance (FutureCare Plan) (Premium) Order 2015, the Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988, the Health Insurance (Health Insurance Plan) (Premium) Order 2015, the Health Insurance (Maternity Benefit) Regulations 1971, the Health Insurance (Mutual Re-Insurance Fund) (Prescribed Sum) Order 2014, the Health Insurance (Plans) Regulations 1987, the Health Insurance (Procedure for Subsidy Payments) Regulations 1971, and the Health Insurance (Standard Health Benefit) Regulations 1971, and to revoke the Health Insurance (Health Insurance Plan) (Enrolment) Rules 1987;

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Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act may be cited as the Health (Miscellaneous) Amendment Act 2017.

Amends Bermuda Health Council Act 2004

2 The Bermuda Health Council Act 2004 is amended—

- (a) in section 5(c), by deleting “and establishing fees,” and substituting “establishing fees in respect of the standard health benefit, and establishing”; and
- (b) in section 15(1)(b), by deleting “the fees” and substituting “, in respect of the standard health benefit, fees”.

Amends Bermuda Hospitals Board Act 1970

3 Section 13 of the Bermuda Hospitals Board Act 1970 is amended by inserting after subsection (1)—

“(1A) The Minister shall consult the Bermuda Health Council before approving hospital fees that are in respect of the standard health benefit.”.

Amends Health Insurance Act 1970

4 The Health Insurance Act 1970 is amended—

- (a) in section 2—
 - (i) in subsection (1), by deleting “will defray” and substituting “is approved by the Legislature”;
 - (ii) in subsection (1)(a), by inserting “towards” before “the total cost”;
 - (iii) in subsection (1)(b), by inserting “towards” before “seven-tenths”;
 - (iv) in subsection (1)(bb), by inserting “towards” before “four-fifths”;
 - (v) in subsection (1)(c), by deleting “so much of the cost” and substituting “towards the cost”;
 - (vi) in subsection (1)(d), by inserting “towards” before “the amount of any abatement”;
 - (vii) by repealing subsection (1)(dd);
 - (viii) in subsection (1)(e), by inserting “towards” before “the total cost”; and by deleting the colon and substituting a full-stop;
 - (ix) by repealing the proviso to subsection (1)(e);
 - (x) by repealing subsection (2);

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- (xi) in subsection (4), by inserting “in such amounts,” before “at such times”;
- (b) in section 3A—
 - (i) by repealing subsection (2D); and
 - (ii) by inserting after the repealed subsection (2D)—

“(2E) There shall be paid out of the Mutual Re-insurance Fund—

 - (a) all claims for the use of haemodialysis facilities when provided by the Bermuda Hospitals Board; and
 - (b) up to \$100,000 towards the cost of a kidney transplant and thereafter the full cost of all maintenance drugs.”; and
- (c) in section 31—
 - (i) by repealing subsection (4); and
 - (ii) in subsection (6), by deleting “under subsection (4) or (5)”.

Amends Health Insurance (Artificial Limbs and Appliances) Regulations 1971

5 The Health Insurance (Artificial Limbs and Appliances) Regulations 1971 are amended—

- (a) in regulation 2, by deleting “surgically implanted prosthetic appliance” and substituting “non-surgical appliance, as approved by the Council, and any surgically implanted prosthetic appliance”; and
- (b) in regulation 3(2) by deleting “\$30,000” both times it appears and, in each case, substituting “\$100,000”.

Amends Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009

6 The Schedule to the Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009 is amended—

- (a) in paragraph 6 by deleting “\$70,000” and substituting “\$50,000”;
- (b) in subparagraphs (a) and (b) of paragraph 8 by inserting after “optician,” the words “in Bermuda or outside Bermuda,”.

Amends Health Insurance (FutureCare Plan) (Premium) Order 2015

7 Paragraph 2 of the Health Insurance (FutureCare Plan) (Premium) Order 2015 is amended—

- (a) by deleting “\$504.21” and substituting “\$500.14”;
- (b) by deleting “\$116.35” and substituting \$115.42.

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Amends Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988
8 The Schedule to the Health Insurance (Health Insurance Plan) (Additional Benefits)
Order 1988 is amended in paragraph 11 by deleting “\$70,000” and substituting “\$50,000”.

Revokes Health Insurance (Health Insurance Plan) (Enrolment) Rules 1987
9 The Health Insurance (Health Insurance Plan) (Enrolment) Rules 1987 are revoked.

Amends Health Insurance (Health Insurance Plan) (Premium) Order 2015
10 Paragraph 2 of the Health Insurance (Health Insurance Plan) (Premium) Order 2015
is amended—

- (a) by deleting “\$433.31” and substituting “\$429.24”;
- (b) by deleting “\$100.00” and substituting “\$99.06”.

Amends Health Insurance (Maternity Benefit) Regulations 1971
11 Regulation 3 (suspension of cover for maternity treatment) of the Health Insurance
(Maternity Benefit) Regulations 1971 is revoked.

Amends Health Insurance (Mutual Re-Insurance Fund) (Prescribed Sum) Order 2014
12 Paragraph 2 of the Health Insurance (Mutual Re-Insurance Fund) (Prescribed Sum)
Order 2014 is amended—

- (a) in subparagraph (a), by deleting “\$25.00” and substituting “\$31.53”;
- (b) in subparagraph (b), by deleting “\$14.00” and substituting “\$16.50”;
- (c) in subparagraph (d), by deleting “\$16.40 per month; and” and substituting
“\$13.16 per month.”; and
- (d) by revoking subparagraph (e).

Amends Health Insurance (Plans) Regulations 1987
13 The Health Insurance (Plans) Regulations 1987 are amended—

- (a) in Schedule 1—
 - (i) by revoking paragraph 3 (portability of benefit);
 - (ii) in paragraph 6(a), by deleting “three months” and substituting “60
days”;
 - (iii) in paragraph 6(b), by deleting “ordinarily”; and
 - (iv) by revoking paragraph 7 (reinstatement) and substituting—

“Enrolment after termination of plan

7 If a plan has terminated, a person may at any time thereafter again apply
to be enrolled in the plan provided he has no unpaid premiums and is resident in
Bermuda.”; and

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- (b) in Schedule 2, by revoking paragraph 4 (portability of benefit).

Amends Health Insurance (Procedure for Subsidy Payments) Regulations 1971

14 Regulation 3(2) of the Health Insurance (Procedure for Subsidy Payments) Regulations 1971 is amended by deleting “relate.” and substituting “relate; such amount being one-twelfth of the sum appropriated by the Legislature in respect of subsidy payments to the Board for the year in question.”.

Amends Health Insurance (Standard Health Benefit) Regulations 1971

15 The Health Insurance (Standard Health Benefit) Regulations 1971 are amended—

- (a) in regulation 2, by revoking paragraph (x);
- (b) in regulation 3—
 - (i) by revoking paragraph (viii);
 - (ii) by deleting the full stop at the end of paragraph (xlii) and substituting a semi-colon; and
 - (iii) after paragraph (xlii), inserting—
 - “(xliii) oral chemotherapies where the facility, the services, and the reimbursement rates have been approved by the Council;
 - (xliv) palliative care where the facility, the services, and the reimbursement rates have been approved by the Council.”;
- (c) in regulation 9 by—
 - (i) deleting “\$338.07” and substituting “\$334.00”;
 - (ii) deleting “\$78.02” and substituting “\$77.08”;
 - (iii) deleting “\$70.72” and substituting “\$91.57”; and
 - (iv) deleting “\$16.32” and substituting “\$21.13”;
- (d) in regulation 10 by—
 - (i) deleting “\$1,352.28” and substituting “\$1,137.52”;
 - (ii) deleting “\$312.06” and substituting “\$262.50”;
 - (iii) deleting “\$70.72” and substituting “\$167.80”; and
 - (iv) deleting “\$16.32” and substituting “\$38.72”;
- (e) in regulation 11—
 - (i) in paragraph (1)(a)(i), by deleting “\$169.04” and substituting “\$167.00”;
 - (ii) in paragraph (1)(a)(ii), by deleting “\$39.01” and substituting “\$38.54”;

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- (iii) in paragraph (1)(b)(i), by deleting “\$676.14” and substituting “\$568.76”;
and
- (iv) in paragraph (1)(b)(ii), by deleting “\$156.03” and substituting
“\$131.25”; and
- (f) in regulation 12—
 - (i) in paragraph (1)(a), by deleting “\$39.01” and substituting “\$38.54”; and
 - (ii) in paragraph (1)(b), by deleting “\$156.03” and substituting “\$131.25”.

Commencement

16 This Act shall come into operation on 1 June 2017.

HEALTH INSURANCE (MISCELLANEOUS) AMENDMENT BILL 2017

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Bermuda Health Council Act 2004, the Bermuda Hospitals Board Act 1970, the Health Insurance Act 1970, the Health Insurance (Artificial Limbs and Appliances) Regulations 1971, the Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009, the Health Insurance (FutureCare Plan) (Premium) Order 2015, the Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988, the Health Insurance (Health Insurance Plan) (Premium) Order 2015, the Health Insurance (Maternity Benefit) Regulations 1971, the Health Insurance (Mutual Re-Insurance Fund) (Prescribed Sum) Order 2014, the Health Insurance (Plans) Regulations 1987, the Health Insurance (Procedure for Subsidy Payments) Regulations 1971, and the Health Insurance (Standard Health Benefit) Regulations 1971, and to revoke the Health Insurance (Health Insurance Plan) (Enrolment) Rules 1987.

Clause 1 is self-explanatory.

Clause 2 amends the Bermuda Health Council Act 2004 to provide for the Bermuda Health Council to establish fees in respect of standard health benefits; and to provide for the Minister to make regulations prescribing fees in respect of standard health benefits provided by health service providers, after consulting with the Bermuda Health Council.

Clause 3 amends the Bermuda Hospitals Board Act 1970 to provide for the Minister to consult with the Bermuda Health Council before approving hospital fees in respect of the standard health benefit.

Clause 4 amends the Health Insurance Act 1970 (referred to in this clause as the “principal Act”) to provide for the Legislature to approve subsidies to be paid to the Bermuda Hospitals Board in respect of persons referred to in section 2(1) of the principal Act; to repeal section 2(1)(dd) of the principal Act which has expired; to repeal the proviso to section 2(1) (e) which excluded the cost of maternity treatment as a subsidy; to repeal section 2(2) of the principal Act which referred to treatment in a public ward; to provide for the amounts of subsidies paid to the Board to be prescribed by regulations; to insert a new section 2(2E) which provides for claims for use of haemodialysis facilities, and kidney transplants and maintenance drugs to be paid out of the Mutual Re-insurance Fund; and to repeal section 31(4) of the principal Act which referred to termination in respect of the standard health benefit during periods of open enrolment of the health insurance plan.

Clause 5 amends the Health Insurance (Artificial Limbs and Appliances) Regulations 1971 to amend the meaning of “artificial appliance”; and to increase the maximum liability of an insurer with respect to artificial appliances from \$30,000 to \$100,000.

Clause 6 amends the Health Insurance (FutureCare Plan) (Additional Benefits) Order 2009 in the Schedule to reduce the contribution towards the cost of a kidney transplant from \$70,000 to \$50,000; and to extend the benefit relating to eye examinations and eye-wear to include health service providers outside Bermuda.

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Clause 7 amends the Health Insurance (FutureCare Plan) Premium Order 2015 to decrease the monthly and weekly premiums payable by persons who qualify for subsidy only.

Clause 8 amends the Health Insurance (Health Insurance Plan) (Additional Benefits) Order 1988 in the Schedule to reduce the contribution towards the cost of a kidney transplant from \$70,000 to \$50,000.

Clause 9 revokes the Health Insurance (Health Insurance Plan) (Enrolment) Rules 1987.

Clause 10 amends the Health Insurance (Health Insurance Plan) (Premium) Order 2015 to decrease the monthly and weekly premiums payable in respect of a health insurance plan.

Clause 11 amends the Health Insurance (Maternity Benefit) Regulations 1971 to revoke regulation 3 which suspended benefits in respect of maternity treatment within 10 months of contracting a plan of health insurance.

Clause 12 amends the Health Insurance (Mutual Re-Insurance Fund) (Prescribed Sum) Order 2014 to increase the amount paid to the Health Insurance Fund and the FutureCare Fund, decrease the amount paid to the Bermuda Hospitals Board.

Clause 13 amends the Health Insurance (Plans) Regulations 1987 to revoke the standard health portability benefit; to provide for plans to be terminated after 60 days; to delete the reference to “ordinarily” resident; and to revoke and replace the provision relating to enrolment after a plan has been terminated.

Clause 14 amends the Health Insurance (Procedure for Subsidy Payments) Regulations 1971 to provide for amounts paid to the Bermuda Hospital Board each month to be one-twelfth of the sum appropriated by the Legislature for the year.

Clause 15 amends the Health Insurance (Standard Health Benefit) Regulations 1971 to add two new standard health benefits, and to decrease the standard premium, including the Mutual Re-Insurance Fund component of the standard premium.

Clause 16 is self-explanatory.