

A BILL

entitled

HEALTH INSURANCE AMENDMENT ACT 2015

WHEREAS it is expedient to amend the Health Insurance Act 1970 and to make consequential amendments;

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, which amends the Health Insurance Act 1970, may be cited as the Health Insurance Amendment Act 2015.

Amends section 25

2 Section 25 of the Health Insurance Act 1970 is amended by inserting the following after subsection (4)—

“(4A) Without prejudice to subsection (4), where the Council considers there may be a failure or neglect by an employer in respect of the matters set out in paragraphs (a) and (b) of that subsection, or where a licensed insurer reports such failure or neglect to the Council, the Council may publish a statement to that effect on its website, [www.bhec.bm](http://www.bhec.bm), or in such other manner as it may determine.

(4B) Section 17 (Immunity) of the Bermuda Health Council Act 2004 applies with respect to the publication of a statement by the Council under subsection (4A) as it applies to the functions of the Council under that Act.”.

Consequential amendment

3 Section 18 of the Bermuda Health Council Act 2004 is amended by inserting the following after subsection (4)—

“(5) For the avoidance of doubt, this section does not apply to the publication of a statement by the Council pursuant to section 25(4A) of the Health Insurance Act 1970.”.

## HEALTH INSURANCE AMENDMENT BILL 2015

### EXPLANATORY MEMORANDUM

This Bill seeks to amend the Health Insurance Act 1970 (the “principal Act”) and to make a consequential amendment to the Bermuda Health Council Act 2004.

Clause 1 provides a citation for the Act.

Clause 2 amends section 25 of the principal Act by inserting a new subsection (4A) and (4B). Subsection (4A) provides for the Bermuda Health Council to publish a statement to the effect that it considers, or a licensed insurer has reported, that an employer has failed or neglected to effect or continue in force a contract of health insurance as required by section 20(1) of the Health Insurance Act 1970. Subsection (4B) applies section 17 (Immunity) of the Bermuda Health Council Act 2004 to provide that no proceedings shall lie against the Council in respect of a publication made under subsection (4A), provided the Council has acted in good faith.

Clause 3 makes a consequential amendment to section 18 (Confidentiality) of the Bermuda Health Council Act 2004 to clarify that the provisions of that section do not apply to the publication of a statement by the Bermuda Health Council under section 25(4A) of the Health Insurance Act 1970.