

COMMITTEE ON COMMERCE
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2599
(Reference to printed bill)

- 1 Page 1, line 8, after the second "service" strike remainder of line
2 Line 9, strike "PART,"; after "SERVICE" insert ", IN WHOLE OR IN PART,"
3 Line 10, strike "~~or~~" insert "or"
4 Line 14, strike "OF COVERAGE"
5 Line 33, after "provided" strike remainder of line
6 Line 34, strike "WHICH NO MINIMUM DOLLAR AMOUNT MAY BE IMPOSED"
7 Page 2, line 5, strike "OF COVERAGE"
8 Line 15, after "FINAL" insert "INTERNAL"
9 Line 16, strike "BY THE HEALTH CARE INSURER" insert ", IN WHOLE OR IN PART,";
10 after the second "THE" insert "HEALTH CARE INSURER'S"
11 Line 17, strike "APPEALS PROCESS" insert "LEVELS OF REVIEW"; strike "THAT HAS"
12 insert "AN ADVERSE DETERMINATION WITH RESPECT TO WHICH THE INTERNAL LEVELS OF
13 REVIEW HAVE"
14 Between lines 17 and 18, insert:
15 "7. "GRANDFATHERED INDIVIDUAL PLAN" MEANS COVERAGE PROVIDED BY AN
16 INDIVIDUAL HEALTH CARE INSURER WHICH WAS PURCHASED BEFORE MARCH 23, 2010
17 AND WHICH HAS NOT LOST SUCH STATUS DUE TO CHANGES IN BENEFITS."
18 Renumber to conform
19 Between lines 23 and 24, insert:
20 "9. "HEALTH CARE SETTING" MEANS AN INSTITUTION PROVIDING HEALTH CARE
21 SERVICES, INCLUDING BUT NOT LIMITED TO, HOSPITALS AND OTHER LICENSED
22 INPATIENT CENTERS, AMBULATORY SURGICAL OR TREATMENT CENTERS, SKILLED
23 NURSING CENTERS, RESIDENTIAL TREATMENT CENTERS, DIAGNOSTIC, LABORATORY AND
24 IMAGING CENTERS AND REHABILITATION AND OTHER THERAPEUTIC HEALTH SETTINGS."

- 1 Renumber to conform
- 2 Page 2, line 26, strike "ten business days" insert "THE PRESCRIBED TIME FRAMES
- 3 PURSUANT TO 20-3404"
- 4 Line 28, strike "LEVEL" insert "LEVELS"
- 5 Line 31, after "INITIAL" insert "INTERNAL"
- 6 Page 3, strike lines 22 through 43
- 7 Renumber to conform
- 8 Page 4, line 7, strike "ADVERSE"
- 9 Page 6, line 5, after "A." insert "NO MINIMUM DOLLAR AMOUNT MAY BE IMPOSED ON ANY
- 10 CLAIM THAT IS THE SUBJECT OF AN ADVERSE DETERMINATION FOR A MEMBER TO, AND"
- 11 Line 6, after "may" insert a comma
- 12 Line 20, after the comma insert "AND FOR GRANDFATHERED INDIVIDUAL PLANS,"
- 13 Line 26, strike "FOR AN"
- 14 Line 27, strike "ADVERSE DETERMINATION, PROVIDE" insert "THAT HAS ALREADY BEEN
- 15 PROVIDED, SEND"; strike "WITH"
- 16 Line 30, strike ", PROVIDE" insert "THAT HAS ALREADY BEEN PROVIDED, SEND";
- 17 strike "WITH"
- 18 Line 34, strike "INSURERS" insert "INSURER'S"
- 19 Line 35, after "SERVICE" strike remainder of line
- 20 Line 36, strike "ADVERSE DETERMINATION, PROVIDE" insert "THAT HAS ALREADY BEEN
- 21 PROVIDED, SEND"; strike "WITH"
- 22 Line 37, after "AFTER" insert "THE HEALTH CARE INSURER RECEIVES"
- 23 Line 40, strike ", PROVIDE" insert "THAT HAS ALREADY BEEN PROVIDED, SEND";
- 24 strike "WITH"
- 25 Page 7, line 33, after "each" insert "APPLICABLE"
- 26 Page 8, line 44, strike "is" insert "INVOLVES"
- 27 Line 45, after the first "OR" insert "APPROPRIATENESS, INCLUDING HEALTH CARE
- 28 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT, OR"
- 29 Page 9, line 2, strike "INTERNAL" insert "INITIAL"

- 1 Page 9, line 4, strike "is" insert "INVOLVES"; after "necessity" insert "OR
2 APPROPRIATENESS, INCLUDING HEALTH CARE SETTING, LEVEL OF CARE OR
3 EFFECTIVENESS OF A COVERED BENEFIT,"
- 4 Line 11, after "FINAL" insert "INTERNAL"
- 5 Line 16, after "RESPOND" insert "WITHIN THE APPLICABLE TIME FRAMES FOR THE
6 HEALTH CARE INSURER TO PROVIDE THE MEMBER WITH A WRITTEN DETERMINATION
7 PRESCRIBED IN SUBSECTIONS C AND D OF THIS SECTION"
- 8 Line 43, strike "one business day" insert "SEVENTY-TWO HOURS"
- 9 Page 10, line 2, strike "is" insert "INVOLVES"
- 10 Line 3, after "necessity" insert "OR APPROPRIATENESS, INCLUDING HEALTH CARE
11 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT,"
- 12 Line 7, after "14," insert "16, "; after "19" insert ", 19.1"
- 13 Line 29, strike "is" insert "INVOLVES" ; after "necessity" insert "OR
14 APPROPRIATENESS, INCLUDING HEALTH CARE SETTING, LEVEL OF CARE OR
15 EFFECTIVENESS OF A COVERED BENEFIT,"
- 16 Line 31, after "covered," strike remainder of line
- 17 Strike lines 32 through 43
- 18 Line 44, strike "to the requirements of this subsection,"
- 19 Line 45, strike "the" insert "A"; strike ", physician or other health care
20 professional"
- 21 Page 11, line 1, after "DETERMINATION" insert "BASED ON THE UTILIZATION REVIEW
22 PLAN ADOPTED BY THE UTILIZATION REVIEW AGENT"
- 23 Line 2, strike the first comma insert "OR"; strike ", physician or other
24 health care"
- 25 Line 3, strike "professional"
- 26 Line 7, after the period insert: "FOR THE PURPOSES OF THIS SUBSECTION,
27 "PROVIDER" MEANS EITHER OF THE FOLLOWING:
- 28 1. A PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL WHO IS LICENSED
29 PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14, 16, 17, 19, 19.1 OR 29, WHO
30 IS QUALIFIED IN A SIMILAR SCOPE OF PRACTICE AS A PHYSICIAN OR OTHER HEALTH
31 CARE PROFESSIONAL LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14,

1 16, 17, 19, 19.1 OR 29 AND WHO IS EMPLOYED OR UNDER CONTRACT WITH THE
2 UTILIZATION REVIEW AGENT.

3 2. AN OUT-OF-STATE PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL WHO
4 IS LICENSED IN ANOTHER STATE AND WHO IS NOT LICENSED IN THIS STATE, WHO IS
5 EMPLOYED OR UNDER CONTRACT WITH THE UTILIZATION REVIEW AGENT AND WHO EITHER
6 IS QUALIFIED IN A SIMILAR SCOPE OF PRACTICE AS A PHYSICIAN OR OTHER HEALTH
7 CARE PROFESSIONAL LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14,
8 16, 17, 19, 19.1 OR 29 OR WHO TYPICALLY MANAGES THE MEDICAL CONDITION UNDER
9 APPEAL."

10 Page 11, line 15 and 16, strike "is denied a service OR WHOSE CLAIM FOR A SERVICE
11 THAT HAS ALREADY BEEN PROVIDED IS DENIED" insert "RECEIVES AN ADVERSE
12 DETERMINATION"

13 Strike lines 28 through 31

14 Reletter to conform

15 Line 35, strike "IS" insert "INVOLVES"

16 Line 44, after "PHYSICIAN" insert "OR OTHER HEALTH CARE PROFESSIONAL LICENSED
17 PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14, 16, 17, 19, 19.1 OR 29"

18 Line 45, after "EMPLOYED" insert "OR"

19 Page 12, line 3, after "WHO" insert "EITHER IS QUALIFIED IN A SIMILAR SCOPE OF
20 PRACTICE AS A PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL LICENSED PURSUANT
21 TO TITLE 32, CHAPTER 7, 8, 11, 13, 14, 16, 17, 19, 19.1 OR 29 OR WHO"

22 Line 22, strike "~~E~~ F" insert "E"

23 Line 31, after "PLAN" insert "OR GRANDFATHERED INDIVIDUAL PLAN"

24 Line 34, strike "MEMBER" insert "HEALTH CARE INSURER"

25 Line 42, after the comma insert "OR A GRANDFATHERED INDIVIDUAL PLAN,"

26 Line 43, after "VOLUNTARY" insert "INTERNAL"

27 Page 13, line 2, after "VOLUNTARY" insert "INTERNAL"

28 Strike lines 9 through 11

29 Reletter to conform

30 Line 16, strike "is" insert "INVOLVES"

31 Line 20, after "covered," strike remainder of line

1 Page 13, strike lines 21 through 32

2 Line 33, strike "this subsection,"; strike the second "the" insert "A"; strike
3 the second comma

4 Line 34, strike "physician or other health care professional who shall" insert
5 "TO"

6 Line 35, strike "the" insert "A"; after "DETERMINATION" insert "BASED ON THE
7 UTILIZATION REVIEW PLAN ADOPTED BY THE UTILIZATION REVIEW AGENT. FOR THE
8 PURPOSES OF THIS SUBSECTION, "PROVIDER" MEANS EITHER OF THE FOLLOWING:

9 1. A PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL WHO IS LICENSED
10 PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14, 16, 17, 19, 19.1 OR 29, WHO
11 IS QUALIFIED IN A SIMILAR SCOPE OF PRACTICE AS A PHYSICIAN OR OTHER HEALTH
12 CARE PROFESSIONAL LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14,
13 16, 17, 19, 19.1 OR 29 AND WHO IS EMPLOYED UNDER CONTRACT WITH THE
14 UTILIZATION REVIEW AGENT.

15 2. AN OUT-OF-STATE PHYSICIAN OR OTHER HEALTH CARE PROFESSIONAL WHO IS
16 LICENSED IN ANOTHER STATE AND WHO IS NOT LICENSED IN THIS STATE, WHO IS
17 EMPLOYED OR UNDER CONTRACT WITH THE UTILIZATION REVIEW AGENT AND WHO EITHER
18 IS QUALIFIED IN A SIMILAR SCOPE OF PRACTICE AS A PHYSICIAN OR OTHER HEALTH
19 CARE PROFESSIONAL LICENSED PURSUANT TO TITLE 32, CHAPTER 7, 8, 11, 13, 14,
20 16, 17, 19, 19.1 OR 29 OR WHO TYPICALLY MANAGES THE MEDICAL CONDITION
21 UNDER APPEAL"

22 Page 14, line 9, strike "E" insert "D"

23 Page 15, line 12, strike "decision" insert "DETERMINATION"

24 Line 18, strike "J" insert "L"

25 Lines 22 and 34, after "necessity" insert "OR APPROPRIATENESS, INCLUDING
26 HEALTH CARE SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT,
27 OR IS EXPERIMENTAL OR INVESTIGATIONAL"

28 Line 40, after "necessary" insert "OR APPROPRIATE, INCLUDING HEALTH CARE
29 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT, OR IS
30 EXPERIMENTAL OR INVESTIGATIONAL"

31 Page 16, line 7, after "G." strike remainder of line

1 Page 16, strike lines 8 through 11

2 Line 12, strike "A DETERMINATION THAT IS" insert "THE INDEPENDENT REVIEW
3 ORGANIZATION'S DETERMINATION PURSUANT TO SUBSECTION F OF THIS SECTION SHALL
4 BE"

5 Line 13, strike "SEND A COPY OF THE DETERMINATION TO THE DIRECTOR"

6 Between lines 21 and 22, insert:

7 "(e) FOR CLAIMS OR REQUESTS FOR SERVICES DENIED FOR REASONS OTHER
8 THAN AS EXPERIMENTAL OR INVESTIGATIONAL, THE INDEPENDENT REVIEW
9 ORGANIZATION SHALL ALSO CONSIDER:

10 "(i) THE MOST APPROPRIATE PRACTICE GUIDELINES, WHICH SHALL INCLUDE
11 APPLICABLE EVIDENCE-BASED STANDARDS AND MAY INCLUDE ANY OTHER PRACTICE
12 GUIDELINES DEVELOPED BY THE FEDERAL GOVERNMENT, NATIONAL OR PROFESSIONAL
13 MEDICAL SOCIETIES, BOARDS AND ASSOCIATIONS.

14 (ii) ANY APPLICABLE CLINICAL REVIEW CRITERIA DEVELOPED AND USED BY
15 THE HEALTH CARRIER OR ITS DESIGNEE UTILIZATION REVIEW ORGANIZATION.

16 (iii) THE OPINION OF THE INDEPENDENT REVIEW ORGANIZATION'S CLINICAL
17 REVIEWER OR REVIEWERS AFTER CONSIDERING SUBDIVISIONS (a) THROUGH (d) AND
18 SUBDIVISION (e), ITEMS (i) AND (ii) OF THIS PARAGRAPH TO THE EXTENT THE
19 INFORMATION OR DOCUMENTS ARE AVAILABLE AND THE CLINICAL REVIEWER OR
20 REVIEWERS CONSIDER APPROPRIATE."

21 Reletter to conform

22 Page 16, line 22, after "(e)" insert "FOR CLAIMS OR REQUESTS FOR SERVICES DENIED
23 AS EXPERIMENTAL OR INVESTIGATIONAL, THE INDEPENDENT REVIEW ORGANIZATION
24 SHALL ALSO CONSIDER"

25 Page 17, line 2, strike "(d)" insert "(e), ITEMS (i) AND (ii)"

26 Page 18, line 5, strike "PROVIDERS" insert "PROVIDER"; after the second "OR"
27 insert "IF"

28 Page 18, line 17, strike "A MATTER" insert "AN ADVERSE DETERMINATION"

29 Line 18, strike DETERMINATION" insert "SERVICE"

30 Line 20, strike "THAT"

31 Line 36, strike "RATIONAL" insert "RATIONALE"

House Amendments to H.B. 2599

1 Page 19, line 18, strike "decision" insert "DETERMINATION"

2 Amend title to conform

And, as so amended, it do pass

JUSTIN WILMETH
CHAIRMAN

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02/13/2024

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