

PROPOSED

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, after "UPHELD" insert ", IN WHOLE OR IN PART,"; strike "BY THE HEALTH  
10 CARE INSURER"; after the second "THE" insert "HEALTH CARE INSURER'S"

11 Line 17, strike "APPEALS PROCESS" insert "INTERNAL LEVELS OF REVIEW"; after

12 "OR" insert "AN ADVERSE DETERMINATION WITH RESPECT TO WHICH THE INTERNAL  
13 LEVELS OF REVIEW"; strike "THAT HAS" insert "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

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

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

28 Line 34, after "necessity" insert "OR APPROPRIATENESS, INCLUDING HEALTH CARE  
29 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT, OR IS  
30 EXPERIMENTAL OR INVESTIGATIONAL"

1 Page 15, line 40, after "necessary" insert "OR APPROPRIATE, INCLUDING HEALTH CARE  
2 SETTING, LEVEL OF CARE OR EFFECTIVENESS OF A COVERED BENEFIT, OR IS  
3 EXPERIMENTAL OR INVESTIGATIONAL"

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

5 Strike lines 8 through 11

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

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

10 Between lines 21 and 22, insert:

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

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

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

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

25 Reletter to conform

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

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

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

- 1 Page 18, line 17, strike "A MATTER" insert "AN ADVERSE DETERMINATION"
- 2 Line 18, strike DETERMINATION" insert "SERVICE"
- 3 Line 20, strike "THAT"
- 4 Line 36, strike "RATIONAL" insert "RATIONALE"
- 5 Page 19, line 18, strike "decision" insert "DETERMINATION"
- 6 Amend title to conform

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