

HOUSE No. 3534

By Mr. Kennedy of Brockton, petition of Thomas P. Kennedy and Kay Khan for legislation to further define adverse determinations by health insurers. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO FURTHER DEFINE ADVERSE DETERMINATIONS BY INSURERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 176O of the General Laws is amended by adding the
- 2 following new sentence after the word “effectiveness” in the defini-
- 3 tion of “Adverse determination”:
- 4 —
- 5 Provided however, that in making said adverse determination, the
- 6 carrier or its designated utilization review organization shall defer to
- 7 the judgment of the treating clinician unless there is a preponderance
- 8 of evidence that the requested admission, continued stay or other
- 9 health care service does not meet the requirements for coverage
- 10 based on medical necessity, appropriateness of health care setting
- and level of care, or effectiveness.