HOUSE DOCKET, NO. 1483 FILED ON: 2/8/2021

HOUSE . . . . No. 1270

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act administering national standards to Medicaid medical necessity reviews.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Danielle W. Gregoire	*4th Middlesex*	*2/8/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/12/2021*
Steven Ultrino	*33rd Middlesex*	*2/12/2021*
Jessica Ann Giannino	*16th Suffolk*	*2/16/2021*
Brian W. Murray	*10th Worcester*	*2/17/2021*
Tommy Vitolo	*15th Norfolk*	*2/26/2021*

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By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 1270) of Danielle W. Gregoire and others relative to administering national standards to Medicaid medical necessity reviews. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1157* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act administering national standards to Medicaid medical necessity reviews.

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

1 SECTION 1. Section 8 of chapter 118E of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended in line 3 by inserting after the words “meaning:” the
3 following definitions:

4 “Adverse determination”, a determination from a clinical peer reviewer, based upon a
5 concurrent and retrospective medical review of information provided by a healthcare provider, to
6 deny, reduce, modify, or terminate an admission, continued inpatient stay, or the availability of
7 any other health care services, for failure to meet the requirements for coverage based on medical
8 necessity, appropriateness of health care setting and level of care, or effectiveness.

9 “Clinical peer reviewer”, a physician or other health care professional, other than the
10 physician or other health care professional who made the initial decision, who holds a non-
11 restricted license from the appropriate professional licensing board in the commonwealth, a
12 current board certification from a specialty board approved by the American Board of Medical
13 Specialties or the Advisory Board of Osteopathic Specialists from the major areas of clinical
14 services or, for non-physician health care professionals, the recognized professional board for
15 their specialty, who also actively practices in the same or similar specialty as typically manages
16 the medical condition, procedure or treatment under review, and whose compensation does not
17 directly or indirectly depend upon the quantity, type or cost of the services that such person
18 approves or denies.

19 SECTION 2. Section 51 of said chapter 118E, as so appearing, is hereby amended by
20 inserting after the first paragraph the following new paragraph:

21 Upon making an adverse determination regarding an admission, continued inpatient stay,
22 or the availability of any other health care services or procedure, the division shall provide a
23 written notification of the adverse determination that shall include a substantive clinical
24 justification that is consistent with generally accepted principles of professional medical practice,
25 and shall, at a minimum: (1) identify the specific information upon which the adverse
26 determination was based; (2) discuss the medical assistance recipient's presenting symptoms or
27 condition, diagnosis and treatment interventions and the specific reasons based on national
28 evidence based medical standards and criteria that such medical evidence fails to meet a national
29 evidence based medical standard and criteria; (3) specify any alternative treatment option offered
30 by the division, if any; and (4) reference and include applicable clinical practice guidelines and
31 review criteria used in making the adverse determination. The division shall give a provider

32 treating a medical assistance recipient an opportunity to seek reconsideration of an adverse
33 determination. Said reconsideration process shall occur within one working day of the receipt of
34 the request and shall be conducted between the provider rendering the service and the clinical
35 peer reviewer or a clinical peer designated by the clinical peer reviewer if said reviewer cannot
36 be available within one working day. If the adverse determination is not reversed by the
37 reconsideration process, nothing in the paragraph shall prevent the provider from pursuing the
38 claim through the division's appeal process.