

SENATE No. 00434

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Kennedy

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 passage of the accompanying bill:

An Act to further define adverse determinations by insurers

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PETITION OF:

NAME:

Thomas P. Kennedy

DISTRICT/ADDRESS:

Second Plymouth and Bristol

SENATE No. 00434

By Mr. Kennedy, petition (accompanied by bill, Senate, No. 434) of Kennedy for legislation to further define adverse determinations by insurers [Joint Committee on Financial Services].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 482 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 SECTION 1. Section 1 of Chapter 176O of the General Laws is amended by adding the
2 following new sentence after the word “effectiveness” in the definition of “Adverse
3 determination”:

4 Provided however, that in making said adverse determination, the carrier or its
5 designated utilization review organization shall defer to the judgment of the treating clinician
6 unless there is a preponderance of evidence that the requested admission, continued stay or other
7 health care service does not meet the requirements for coverage based on medical necessity,
8 appropriateness of health care setting and level of care, or effectiveness.