

HOUSE No. 1046

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to administrative simplification..

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 12 of Chapter 176O of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out subsections (b) and (c) and inserting in place
3 thereof the following subsections:—

4 (b) A carrier or utilization review organization shall make a determination regarding the
5 medical necessity of a proposed admission, procedure or service that requires a determination
6 within two working days of obtaining all necessary information. For purposes of this section,
7 “necessary information” shall include the results of any face-to-face clinical evaluation or second
8 opinion that may be required. In the case of a determination to approve an admission, procedure
9 or service, the carrier or utilization review organization shall notify 14 the provider rendering or
10 requesting the service within 24 hours. In the case of an adverse determination, the carrier or
11 utilization review 16 organization shall notify the provider rendering or requesting the service
12 within 24 hours, and shall provide written or electronic confirmation of the notification to the
13 insured and the provider within one working day thereafter.

14 (c) A carrier or utilization review organization shall make a concurrent review
15 determination within one working day of obtaining all necessary information. In the case of a
16 determination to approve an extended stay or additional services, the carrier or utilization review
17 organization

18 shall notify the provider rendering or requesting the service within one working day.

19 In the case of an adverse determination, the carrier or utilization review organization shall
20 notify the provider rendering or requesting the service within 24 hours and shall provide written
21 or electronic notification to the insured and the provider within one working day thereafter. The
22 service shall be continued without liability to the insured until the insured has been notified of
23 the determination.

24 SECTION 2. Subsection (a) of Section 6 of Chapter 176O of the General Laws, as so
25 appearing in the 2006 Official Edition, is hereby amended by striking out clause (2) thereof.