

**SENATE . . . . . No. 482**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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 of Chapter 176O of the General Laws is amended by adding the following new  
2 sentence after the word “effectiveness” in the definition of “Adverse determination”:

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