

SENATE No. 434

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 adoption of the accompanying bill:

An Act to further define adverse determinations by insurers.

PETITION OF:

NAME:

Thomas P. Kennedy

DISTRICT/ADDRESS:

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SENATE No. 434

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 434) of Thomas P. Kennedy for legislation to further define adverse determinations by insurers. 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.