

SENATE No. 447

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 requiring standard credentialing of physicians by health insurers.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Richard T. Moore

SENATE No. 447

By Mr. Moore, a petition (accompanied by bill, Senate, No. 447) of Richard T. Moore relative to physician credentialing by health insurance carriers. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 978 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
—————

An Act requiring standard credentialing of physicians by health 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, as appearing in
2 the 2008 Official Edition, is hereby amended by inserting after the definition of “Health care
3 services” the following new definition:--

4 “Hospital-based physician”, a pathologist, anesthesiologist, radiologist or emergency
5 room physician who practices exclusively within the inpatient or outpatient hospital setting and
6 who provides health care services to a carrier’s insured only as a result of the insured being
7 directed to the hospital inpatient or outpatient setting. This definition may be expanded, after
8 consultation with a statewide advisory committee composed of an equal number of organizations
9 representing providers and those representing health plans including but not limited to a
10 representative from the Massachusetts Medical Society, the Massachusetts Hospital Association,
11 the Massachusetts Association of Health Plans, the Massachusetts Association of Medical Staff

12 Services, and Blue Cross Blue Shield of Massachusetts, by regulation to include additional
13 categories of physicians who practice exclusively within the inpatient or outpatient hospital
14 setting and who provide health care services to a carrier's insured only as a result of the insured
15 being directed to the hospital inpatient or outpatient setting.

16 SECTION 2. Chapter 176O of the General Laws is hereby amended by
17 inserting after section 2 the following new sections:--

18 Section 2A. (a) The bureau shall adopt the "Integrated Massachusetts
19 Application for Initial Credentialing/Appointment" and the "Integrated Massachusetts
20 Application for Re-credentialing/Re-Appointment." The bureau, after consultation with a
21 statewide advisory committee composed of an equal number of organizations representing
22 providers and those representing health plans including but not limited to a representative from
23 the Massachusetts Medical Society, the Massachusetts Hospital Association, the Massachusetts
24 Association of Health Plans, the Massachusetts Association of Medical Staff Services, and Blue
25 Cross Blue Shield of Massachusetts shall make any revisions to the statewide uniform physician
26 credentialing application forms that includes but is not limited to applicable accreditation as well
27 as federal and state regulatory changes that will impact such forms. Such forms shall not be
28 applicable in those instances where the carrier has both delegated credentialing to a provider
29 organization and does not require submission of a credentialing application.

30 (b) A carrier and a participating provider shall not use any initial physician
31 credentialing application form other than the uniform initial physician application form or a
32 uniform electronic version of said form. A carrier and a participating provider shall not use any
33 physician re-credentialing application form other than the uniform physician re-credentialing

34 application form or a uniform electronic version of said form. A carrier may require that a
35 physician profile be submitted in addition to the uniform physician recredentialing application
36 form.

37 (c) A carrier shall act upon and complete the credentialing process for 95 percent of
38 complete initial physician credentialing applications submitted by or on behalf of a physician
39 applicant within 30 calendar days of receipt of a complete application. An application shall be
40 considered complete if it contains all of the following elements: --

41 (i) the application form is signed and appropriately dated by the physician
42 applicant;

43 (ii) all information on the application is submitted in a legible and complete
44 manner and any affirmative answers are accompanied by explanations satisfactory to the carrier;

45 (iii) a current curriculum vitae with appropriate required dates;

46 (iv) a signed, currently dated Applicant's Authorization to Release Information
47 form;

48 (v) copies of the applicant's current licenses in all states in which the
49 physician practices;

50 (vi) a copy of the applicant's current Massachusetts controlled substances
51 registration and a copy of the applicant's current federal DEA controlled substance certificate or,
52 if not available, a letter describing prescribing arrangements;

53 (vii) a copy of the applicant's current malpractice face sheet coverage statement
54 including amounts and dates of coverage;

- 55 (viii) hospital letter or verification of hospital privileges or alternate pathways;
- 56 (ix) documentation of board certification or alternate pathways;
- 57 (x) documentation of training, if not board certified;
- 58 (xi) there are no affirmative responses on questions related to quality or
59 clinical competence;
- 60 (xii) there are no modifications to the Applicant's Authorization to Release
61 Information Form;
- 62 (xiii) there are no discrepancies between the information submitted by or on
63 behalf of the physician and information received from other sources; and
- 64 (xiv) the appropriate health plan participation agreement, if applicable.
- 65 (d) A carrier shall report to a physician applicant or designee the status of a submitted
66 initial credentialing application within a reasonable timeframe. Said report shall include, but not
67 be limited to, the application receipt date and, if incomplete, an itemization of all missing or
68 incomplete items. A carrier may return an incomplete application to the submitter. A physician
69 applicant or designee shall be responsible for any and all missing or incomplete items.
- 70 (e) A carrier shall notify a physician applicant of the carrier's credentialing
71 committee's decision on an initial credentialing application within four business days of the
72 decision. Said notice shall include the committee's decision and the decision date.
- 73 (f) A physician, other than a primary care provider compensated on a capitated basis,
74 who has been credentialed pursuant to the terms of this section shall be allowed to treat a

75 carrier's insureds and shall be reimbursed by the carrier for covered services provided to a
76 carrier's insureds effective as of the carrier's credentialing committee's decision date. A primary
77 care physician compensated on a capitated basis who has been credentialed pursuant to the terms
78 established in this section shall be allowed to treat a carrier's insureds and shall be reimbursed by
79 the carrier for covered services provided to the carrier's insureds effective no later than the first
80 day of the month following the carrier's credentialing committee's decision date.

81 (g) This section shall not apply to the credentialing and re-credentialing by carriers of
82 psychiatrists or hospital-based physicians.

83 Section 2B. (a) The bureau's accreditation requirements related to credentialing
84 and re-credentialing shall not require a carrier to complete the credentialing or re-credentialing
85 process for hospital-based physicians.

86 (b) Except as provided in paragraph (d), a carrier shall not require a hospital-based
87 physician to complete the credentialing and recredentialing process established pursuant to the
88 bureau's accreditation requirements.

89 (c) A carrier may establish an abbreviated data submission process for hospital-
90 based physicians. Except as provided in paragraph (d) of this section, said process shall be
91 limited to a review of the data elements required to be collected and reviewed pursuant to
92 applicable federal and state regulations as well as national accreditation organization standards.

93 (d) In the event that the carrier determines that there is a need to further review a
94 hospital-based physician's credentials due to quality of care concerns, complaints from insureds,
95 applicable law or other good faith concerns, the carrier may conduct such review as is necessary
96 to make a credentialing or re-credentialing decision.

97 (e) Nothing in this section shall be construed to prohibit a carrier from requiring a
98 physician to submit information or taking other actions necessary for the carrier to comply with
99 the applicable regulations of the board of registration in medicine.

100 (f) The bureau, after consultation with a statewide advisory committee composed of
101 an equal number of organizations representing providers and those representing health plans
102 including but not limited to a representative from the Massachusetts Hospital Association, the
103 Massachusetts Medical Society, the Massachusetts Association of Health Plans, the
104 Massachusetts Association of Medical Staff Services, and Blue Cross and Blue Shield of
105 Massachusetts, shall develop standard criteria and oversight guidelines that may be used by
106 carriers to delegate the credentialing function to providers. Such criteria and oversight guidelines
107 shall meet applicable accreditation standards.

108 SECTION 3. The act shall become effective on October 1, 2012.