

**HOUSE . . . . . No. 936**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kay Khan*

*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:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/28/2013</i>
<i>Ann-Margaret Ferrante</i>	<i>5th Essex</i>	<i>1/30/2013</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>2/1/2013</i>

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 936) of Kay Khan and others for legislation to further define adverse determinations by insurers. Financial Services.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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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 12(a) of Chapter 176O is amended by adding at the end thereof after the word  
2 "provider" the following new sentence:

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