

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 59

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Decisions" insert "and Grievance Decisions"; in lines 3 and 4, strike "an initial" and substitute "a"; in line 4, after "decision" insert "or grievance decision"; in line 5, after "requirement;" insert "altering the information that insurance carriers must include in certain policies, plans, certificates, enrollment materials, or other evidences of coverage;"; and in line 6, after "decision" insert "or grievance decision".

AMENDMENT NO. 2

On page 3, after line 30, insert:

"(F) FOR NONEMERGENCY CASES, WHEN A CARRIER RENDERS AN ADVERSE DECISION, THE CARRIER SHALL:

(1) DOCUMENT THE ADVERSE DECISION IN WRITING AFTER THE CARRIER HAS PROVIDED ORAL COMMUNICATION OF THE DECISION TO THE MEMBER OR THE HEALTH CARE PROVIDER ACTING ON BEHALF OF THE MEMBER; AND

(2) SEND, WITHIN 5 WORKING DAYS AFTER THE ADVERSE DECISION HAS BEEN MADE, A WRITTEN NOTICE TO THE MEMBER AND THE HEALTH CARE PROVIDER ACTING ON BEHALF OF THE MEMBER THAT:

(I) STATES IN DETAIL IN CLEAR, UNDERSTANDABLE LANGUAGE THE SPECIFIC FACTUAL BASES FOR THE CARRIER'S DECISION;

(II) REFERENCES THE SPECIFIC CRITERIA AND STANDARDS, INCLUDING INTERPRETIVE GUIDELINES, ON WHICH THE DECISION WAS BASED, AND

(Over)

DOES NOT SOLELY USE GENERALIZED TERMS SUCH AS "EXPERIMENTAL PROCEDURE NOT COVERED", "COSMETIC PROCEDURE NOT COVERED", "SERVICE INCLUDED UNDER ANOTHER PROCEDURE", OR "NOT MEDICALLY NECESSARY";

(III) STATES THE NAME, BUSINESS ADDRESS, AND BUSINESS TELEPHONE NUMBER OF:

1. THE MEDICAL DIRECTOR OR ASSOCIATE MEDICAL DIRECTOR, AS APPROPRIATE, WHO MADE THE DECISION IF THE CARRIER IS A HEALTH MAINTENANCE ORGANIZATION; OR

2. THE DESIGNATED EMPLOYEE OR REPRESENTATIVE OF THE CARRIER WHO HAS RESPONSIBILITY FOR THE CARRIER'S INTERNAL GRIEVANCE PROCESS IF THE CARRIER IS NOT A HEALTH MAINTENANCE ORGANIZATION;

(IV) GIVES WRITTEN DETAILS OF THE CARRIER'S INTERNAL GRIEVANCE PROCESS AND PROCEDURES UNDER THIS SUBTITLE; AND

(V) INCLUDES THE FOLLOWING INFORMATION:

1. THAT THE MEMBER OR A HEALTH CARE PROVIDER ON BEHALF OF THE MEMBER HAS A RIGHT TO FILE A COMPLAINT WITH THE COMMISSIONER WITHIN 30 DAYS AFTER RECEIPT OF A CARRIER'S GRIEVANCE DECISION;

2. THAT A COMPLAINT MAY BE FILED WITHOUT FIRST FILING A GRIEVANCE IF THE MEMBER OR A HEALTH CARE PROVIDER FILING A GRIEVANCE ON BEHALF OF THE MEMBER CAN DEMONSTRATE A COMPELLING REASON TO DO SO AS DETERMINED BY THE COMMISSIONER;

3. THAT THE HEALTH ADVOCACY UNIT IS AVAILABLE TO ASSIST THE MEMBER IN BOTH MEDIATING AND FILING A GRIEVANCE UNDER THE CARRIER'S INTERNAL GRIEVANCE PROCESS;

4. THE ADDRESS, TELEPHONE NUMBER, FACSIMILE NUMBER, AND E-MAIL ADDRESS OF THE HEALTH ADVOCACY UNIT; AND

5. THE COMMISSIONER'S ADDRESS, TELEPHONE NUMBER, AND FACSIMILE NUMBER.”;

in line 31, strike the brackets; and in the same line, strike “(F)”.

On page 4, in line 3, strike the brackets; in the same line, strike “(G)”;

strike in their entirety lines 7 through 20, inclusive, and substitute:

“(I) (1) FOR NONEMERGENCY CASES, WHEN A CARRIER RENDERS A GRIEVANCE DECISION, THE CARRIER SHALL SEND, WITHIN 5 WORKING DAYS AFTER THE GRIEVANCE DECISION HAS BEEN MADE, A NOTICE TO THE MEMBER AND THE HEALTH CARE PROVIDER WHO FILED THE GRIEVANCE ON BEHALF OF THE MEMBER THAT:”;

in lines 21 and 26, in each instance, strike “state” and substitute “STATES”;

in line 23, strike “reference” and substitute “REFERENCES”;

in lines 24 and 29, in each instance, strike “adverse decision or”;

and in line 34, strike “include” and substitute “INCLUDES”.

On pages 4 and 5, strike in their entirety the lines beginning with line 35 on page 4 through line 7 on page 5, inclusive.

On page 5, in line 8, strike the brackets; in the same line, strike “5.”;

in line 9, after “decision;” insert “AND”;

strike in their entirety lines 10 through 12, inclusive;

in line 13, strike “[3.] 7.” and substitute “2.”;

in line 15, strike “(3)” and substitute “(2)”;

in line 18, strike “paragraph (2)(i) or (ii) of”;

in line 20, strike the brackets; in the same line, strike “(I)”;

in line 27, strike “The” and substitute “A”;

in the same line, after “notice” insert “REQUIRED TO BE SENT UNDER PARAGRAPH (1) OF THIS SUBSECTION”;

strike beginning with “information” in line 27 down through “section” in line 28 and substitute “FOLLOWING”:

(I) FOR AN ADVERSE DECISION, THE INFORMATION REQUIRED UNDER SUBSECTION (F) OF THIS SECTION; AND

(Over)

(II) FOR A GRIEVANCE DECISION, THE INFORMATION REQUIRED UNDER SUBSECTION (I) OF THIS SECTION"; in line 29, strike the first set of brackets; in the same line, strike "(J)"; in line 30, strike "(H)(2)(III)" and substitute "(F)(2)(III), (IV), AND (V)"; in line 33, strike the brackets; and in the same line strike "(K)".