

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1498

95TH GENERAL ASSEMBLY

3347L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 376.383, RSMo, and to enact in lieu thereof one new section relating to the payment of health insurance claims, with an effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 376.383, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 376.383, to read as follows:

376.383. 1. For purposes of this section and section 376.384, the following terms shall mean:

(1) "Claimant", any individual, corporation, association, partnership or other legal entity asserting a right to payment arising out of a contract or a contingency or loss covered under a health benefit plan as defined in section 376.1350;

(2) "**Clean claim**", a claim that has no defect, impropriety, lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment;

(3) "Deny" or "denial", when the health carrier refuses to reimburse all or part of the claim;

[(3)] (4) "Health carrier", health carrier as defined in section 376.1350[,] **and any self-insured health plan, to the extent allowed by federal law;** except that health carrier shall not include a workers' compensation carrier providing benefits to an employee pursuant to chapter 287, RSMo. **For the purposes of this section and section 376.384, third-party contractors are health carriers;**

[(4)] (5) "Health care provider", health care provider as defined in section 376.1350;

[(5)] (6) "Health care services", health care services as defined in section 376.1350;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 [(6)] (7) "Processing days", number of days the health carrier **or any of its agents,**
19 **subsidiaries, contractors, subcontractors, or third-party contractors** has the claim in its
20 possession. Processing days shall not include days in which the health carrier is waiting for a
21 response to a request for additional information **from the claimant;**

22 [(7)] (8) "Request for additional information", [when the health carrier requests
23 information from the claimant to determine if all or part of the claim will be reimbursed] **a**
24 **health carrier's electronic or facsimile request for additional information from the**
25 **claimant specifying all of the documentation or information necessary to process all of the**
26 **claim, or all of the claim on a multi-claim form, as a clean claim for payment;**

27 [(8) "Suspends the claim", giving notice to the claimant specifying the reason the claim
28 is not yet paid, including but not limited to grounds as listed in the contract between the claimant
29 and the health carrier; and]

30 (9) "Third-party contractor", a third party contracted with the health carrier to receive or
31 process claims for reimbursement of health care services.

32 2. **Within forty-eight hours after receipt of an electronically filed claim by a health**
33 **carrier or a third-party contractor, a health carrier shall send an electronic**
34 **acknowledgment of the date of receipt.**

35 3. Within [ten working] **thirty processing** days after receipt of a **filed** claim by a health
36 carrier or a third-party contractor, a health carrier shall[:

37 (1) Send an acknowledgment of the date of receipt; or

38 (2)] send **an electronic or facsimile** notice of the status of the claim that [includes]
39 **notifies the claimant:**

40 (1) **Whether the claim is a clean claim as defined under this section; or**

41 (2) **The claim requires additional information from the claimant.**

42

43 **If the claim is a clean claim, then the health carrier shall pay or deny the claim. If the**
44 **claim requires additional information, the health carrier shall include in the notice a**
45 **request for additional information. If a health carrier pays the claim, [subdivisions (1) and (2)]**
46 **this subsection shall not apply.**

47 [3.] 4. Within [fifteen] **ten processing** days after receipt of additional information by a
48 health carrier or a third-party contractor, a health carrier shall pay the claim or any undisputed
49 part of the claim in accordance with this section or send [a] **an electronic or facsimile** notice of
50 receipt and status of the claim:

51 (1) That denies all or part of the claim and specifies each reason for denial; or

52 (2) That makes a final request for additional information.

53 [4.] **5.** Within [fifteen] **five processing** days after the day on which the health carrier or
54 a third-party contractor receives the additional requested information in response to a final
55 request for information, it shall pay the claim or any undisputed part of the claim or deny [or
56 suspend] the claim.

57 [5.] **6.** If the health carrier has not paid the claimant on or before the forty-fifth
58 **processing** day from the date of receipt of the claim, the health carrier shall pay the claimant one
59 percent interest per month **and a penalty in an amount equal to one percent of the claim per**
60 **day.** The interest **and penalty** shall be calculated based upon the unpaid balance of the claim
61 **as of the forty-fifth processing day.** The interest **and penalty** paid pursuant to this subsection
62 shall be included in any late reimbursement without the necessity for the person that filed the
63 original claim to make an additional claim for that interest **and penalty.** A health carrier may
64 combine interest payments and make payment once the aggregate amount reaches [five] **one**
65 **hundred** dollars. **Any claim which has been properly denied before the forty-fifth**
66 **processing day under this section and section 376.384 shall not be subject to interest or**
67 **penalties. Such interest and penalties shall cease to accrue on the day after a petition is**
68 **filed in a court of competent jurisdiction to recover payment of such claim. Upon a finding**
69 **by a court of competent jurisdiction that the health carrier failed to pay a claim, interest,**
70 **or penalty without good cause, the court shall enter judgment for reasonable attorney fees**
71 **for services necessary for recovery. Upon a finding that a health care provider filed suit**
72 **without reasonable grounds to recover a claim, the court shall award the health carrier**
73 **reasonable attorney fees necessary to the defense.**

74 [6. If a health carrier fails to pay, deny or suspend the claim within forty processing days,
75 and has received, on or after the fortieth day, notice from the health care provider that such claim
76 has not been paid, denied or suspended, the health carrier shall, in addition to monthly interest
77 due, pay to the claimant per day an amount of fifty percent of the claim but not to exceed twenty
78 dollars for failure to pay all or part of a claim or interest due thereon or deny or suspend as
79 required by this section. Such penalty shall not accrue for more than thirty days unless the
80 claimant provides a second written or electronic notice on or after the thirty days to the health
81 carrier that the claim remains unpaid and that penalties are claimed to be due pursuant to this
82 section. Penalties shall cease if the health carrier pays, denies or suspends the claim. Said
83 penalty shall also cease to accrue on the day after a petition is filed in a court of competent
84 jurisdiction to recover payment of said claim. Upon a finding by a court of competent
85 jurisdiction that the health carrier failed to pay a claim, interest or penalty without reasonable
86 cause, the court shall enter judgment for reasonable attorney fees for services necessary for
87 recovery. Upon a finding that a provider filed suit without reasonable grounds to recover a
88 claim, the court shall award the health carrier reasonable attorney fees necessary to the defense.]

89 7. The department of insurance, financial institutions and professional registration shall
90 monitor [suspensions] **denials** and determine whether the health carrier acted reasonably.

91 8. If a health carrier or third-party contractor has reasonable grounds to believe that a
92 fraudulent claim is being made, the health carrier or third-party contractor shall notify the
93 department of insurance, financial institutions and professional registration of the fraudulent
94 claim pursuant to sections 375.991 to 375.994, RSMo.

95 9. Denial of a claim shall be communicated to the claimant and shall include the specific
96 reason why the claim was denied. **Any claim for which the health carrier has not**
97 **communicated a specific reason for the denial shall not be considered denied under this**
98 **section or section 376.384.**

99 10. Requests for additional information shall specify [what] **all of the documentation**
100 **and** additional information **that** is necessary to process **all of** the claim, **or all of the claims on**
101 **a multi-claim form, as a clean claim** for payment. Information requested shall be reasonable
102 and pertain **solely** to the health carrier's [determination of] liability. The health carrier shall
103 acknowledge receipt of the requested additional information to the claimant within five
104 [working] **calendar** days or pay the claim.

Section B. Section A of this act shall become effective January 1, 2011.

✓