

FIRST REGULAR SESSION

# HOUSE BILL NO. 982

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (117) (Sponsor), TORPEY,  
SCHIEBER AND WHITE (Co-sponsors).

2081L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapters 334 and 376, RSMo, by adding thereto two new sections relating to radiology benefit managers.

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

Section A. Chapters 334 and 376, RSMo, are amended by adding thereto two new  
2 sections, to be known as sections 334.225 and 376.408, to read as follows:

334.225. **Any person who countermands the treatment order or recommendation  
2 of a treating physician by any means or manner that is intended to influence the patient  
3 to refuse a recommended service or to elect to receive a different service than the service  
4 ordered or recommended by the treating physician shall be deemed to be practicing  
5 medicine in this state.**

376.408. 1. **The general assembly finds and declares that:**

2 (1) **Health carriers and health benefit plans are engaging the services of individuals  
3 and organizations to act as radiology benefit managers;**

4 (2) **Radiology benefit managers are making decisions about the appropriateness of  
5 medical services recommended for a patient by a treating physician and are directing  
6 alternative treatments or testing without the benefit of any direct contact between the  
7 patient and the radiology benefit manager;**

8 (3) **The actions of radiology benefit managers in denying authorization for medical  
9 services that have been recommended by a treating physician or in directing alternative  
10 treatments or testing are having a direct and adverse impact on the health of Missouri  
11 citizens; and**

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.

12           **(4) Decisions to deny authorization for medical services recommended by treating**  
13 **physicians or to direct alternative treatments or testing are being made by individuals who**  
14 **are not licensed to practice medicine in the state of Missouri, and who are operating in this**  
15 **state without any regulation or oversight by an agency of this state.**

16           **2. As used in this section, the following terms shall mean:**

17           **(1) "Diagnostic radiology testing", includes the following diagnostic tests: X-ray,**  
18 **computerized tomography, magnetic resonance imaging, positron emission tomography,**  
19 **fluoroscopy, ultrasound, and nuclear imaging studies, including cardiac nuclear imaging;**

20           **(2) "Health carrier", the same meaning as such term is defined in section 376.1350;**

21           **(3) "Health benefit plan", the same meaning as such term is defined in section**  
22 **376.1350;**

23           **(4) "Radiology benefits manager", a person, business or other entity, and any**  
24 **wholly or partially owned subsidiary of such entity, that administers diagnostic radiology**  
25 **and imaging benefits in any health benefit plan or policy of insurance that provides**  
26 **coverage for diagnostic radiology testing;**

27           **(5) "Treating physician", a physician licensed under chapter 334 who orders or**  
28 **recommends to a patient a diagnostic radiology test that is based upon an in-person**  
29 **medical examination of the patient for whom the test is ordered or recommended.**

30           **3. If a health carrier or health benefit plan provides coverage for diagnostic**  
31 **radiology testing and if a treating physician presents an order or recommendation for a**  
32 **diagnostic radiology test to a radiology benefits manager for authorization, a decision to**  
33 **deny authorization of the treating physician's order or recommendation shall only be made**  
34 **by a physician licensed in this state and subject to the regulation of the state board for the**  
35 **healing arts. Along with any decision to deny an authorization for diagnostic radiology**  
36 **testing, the treating physician and the patient shall be furnished with the full name, mailing**  
37 **address, telephone number, and employer of the radiology benefits manager physician who**  
38 **is making the denial decision. In every case in which authorization to perform a diagnostic**  
39 **radiology test is given by a health carrier or health benefit plan or by a radiology benefits**  
40 **manager which is contracted to provide utilization review services for the health carrier**  
41 **or health benefit plan, such authorization shall be conclusive to satisfy any requirement**  
42 **of medical necessity in a health benefit plan or a health carrier's plan, policy, or schedule**  
43 **of benefits, and the provider's subsequently filed claim for payment for such services shall**  
44 **not be denied but shall be timely paid, unless there was fraud on the part of the provider**  
45 **in procuring the authorization.**