

FIRST REGULAR SESSION

HOUSE BILL NO. 499

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES JONES (50) (Sponsor) AND FREDERICK (Co-sponsor).

1379L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 376.1363 and 376.1367, RSMo, and to enact in lieu thereof two new sections relating to health insurance benefit determinations for serious and urgent conditions.

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

Section A. Sections 376.1363 and 376.1367, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 376.1363 and 376.1367, to read as follows:

376.1363. 1. A health carrier shall maintain written procedures for making utilization review decisions and for notifying enrollees and providers acting on behalf of enrollees of its decisions. For purposes of this section, "enrollee" includes the representative of an enrollee.

2. For initial determinations, a health carrier shall make the determination within [two working days] **four hours** of obtaining all necessary information regarding a proposed admission, procedure or service requiring a review determination. For purposes of this section, "necessary information" includes the results of any face-to-face clinical evaluation or second opinion that may be required:

(1) In the case of a determination to certify an admission, procedure or service, the carrier shall notify the provider rendering the service by telephone within twenty-four hours of making the initial certification, and provide written or electronic confirmation of the telephone notification to the enrollee and the provider within two working days of making the initial certification;

(2) In the case of an adverse determination, the carrier shall notify the provider rendering the service by telephone within twenty-four hours of making the adverse determination; and shall provide written or electronic confirmation of the telephone notification to the enrollee and the provider within one working day of making the adverse determination.

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 3. For concurrent review determinations, a health carrier shall make the determination
19 within one working day of obtaining all necessary information:

20 (1) In the case of a determination to certify an extended stay or additional services, the
21 carrier shall notify by telephone the provider rendering the service within one working day of
22 making the certification, and provide written or electronic confirmation to the enrollee and the
23 provider within one working day after the telephone notification. The written notification shall
24 include the number of extended days or next review date, the new total number of days or
25 services approved, and the date of admission or initiation of services;

26 (2) In the case of an adverse determination, the carrier shall notify by telephone the
27 provider rendering the service within twenty-four hours of making the adverse determination,
28 and provide written or electronic notification to the enrollee and the provider within one working
29 day of the telephone notification. The service shall be continued without liability to the enrollee
30 until the enrollee has been notified of the determination.

31 4. For retrospective review determinations, a health carrier shall make the determination
32 within thirty working days of receiving all necessary information. A carrier shall provide notice
33 in writing of the carrier's determination to an enrollee within ten working days of making the
34 determination.

35 5. A written notification of an adverse determination shall include the principal reason
36 or reasons for the determination, the instructions for initiating an appeal or reconsideration of
37 the determination, and the instructions for requesting a written statement of the clinical rationale,
38 including the clinical review criteria used to make the determination. A health carrier shall
39 provide the clinical rationale in writing for an adverse determination, including the clinical
40 review criteria used to make that determination, to any party who received notice of the adverse
41 determination and who requests such information.

42 6. A health carrier shall have written procedures to address the failure or inability of a
43 provider or an enrollee to provide all necessary information for review. In cases where the
44 provider or an enrollee will not release necessary information, the health carrier may deny
45 certification of an admission, procedure or service.

 376.1367. When conducting utilization review or making a benefit determination for
2 emergency services **or health care services involving serious and urgent conditions:**

3 (1) A health carrier shall cover emergency services necessary to screen and stabilize an
4 enrollee and shall not require prior authorization of such services;

5 (2) **A health carrier shall cover services for a serious and urgent condition, as**
6 **defined in this section, and shall not require prior authorization of such services. For**
7 **purposes of this section, "serious and urgent condition" means a patient's condition or**

8 **diagnostic information which would lead a reasonably prudent licensed health care**
9 **provider to determine that:**

10 (a) **The patient has inadequately controlled undiagnosed pain; or**

11 (b) **A delay in diagnosis may cause disease progression, impairment to a bodily**
12 **function, or serious dysfunction of any bodily organ or part; or**

13 (c) **A delay in providing diagnostic testing will result in the patient's health being**
14 **at serious risk or jeopardy of harm;**

15 (3) Coverage of emergency services **and serious and urgent conditions** shall be subject
16 to applicable co-payments, coinsurance and deductibles;

17 [(3)] (4) When an enrollee receives an emergency service **or services for a serious and**
18 **urgent condition** that requires immediate post evaluation or post stabilization services, a health
19 carrier shall provide an authorization decision within sixty minutes of receiving a request; if the
20 authorization decision is not made within thirty minutes, such services shall be deemed
21 approved.

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