

**SENATE . . . . . No. 482**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Thomas P. Kennedy**

---

*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 passage of the accompanying bill:

An Act to further define adverse determinations by insurers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas P. Kennedy	Second Plymouth and Bristol
Michael Brady	9th Plymouth

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 1 of Chapter 176O of the General Laws is amended by adding the following new  
2 sentence after the word “effectiveness” in the definition of “Adverse determination”:

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