

SENATE No. 518

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 adoption of the accompanying bill:

An Act to further define adverse determinations by insurers.

PETITION OF:

NAME:

Thomas P. Kennedy

DISTRICT/ADDRESS:

Second Plymouth and Bristol

SENATE No. 518

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 518) of Thomas P. Kennedy for legislation to further define adverse determinations by insurers. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 453 OF 2013-2014.]

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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 12 (a) of Chapter 176O is amended by adding at the end thereof after the word
2 “provider” the following new sentence:

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