



General Assembly

**Substitute Bill No. 5296**

February Session, 2010

\*        HB05296HS        032310        \*

**AN ACT CONCERNING THE DEFINITION OF MEDICAL NECESSITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective July 1, 2010*) (a) For purposes of the  
2 administration of the medical assistance programs by the Department  
3 of Social Services, "medically necessary" and "medical necessity" mean  
4 those health services required to prevent, identify, diagnose, treat,  
5 rehabilitate or ameliorate an individual's medical condition, including  
6 mental illness, or its effects, in order to attain or maintain the  
7 individual's achievable health and independent functioning provided  
8 such services are: (1) Consistent with generally-accepted standards of  
9 medical practice that are defined as standards that are based on (A)  
10 credible scientific evidence published in peer-reviewed medical  
11 literature that is generally recognized by the relevant medical  
12 community, (B) recommendations of a physician-specialty society, (C)  
13 the views of physicians practicing in relevant clinical areas, and (D)  
14 any other relevant factors; (2) clinically appropriate in terms of type,  
15 frequency, timing, site, extent and duration and considered effective  
16 for the individual's illness, injury or disease; (3) not primarily for the  
17 convenience of the individual, the individual's health care provider or  
18 other health care providers; (4) not more costly than an alternative  
19 service or sequence of services at least as likely to produce equivalent  
20 therapeutic or diagnostic results as to the diagnosis or treatment of the  
21 individual's illness, injury or disease; and (5) based on an assessment

22 of the individual and his or her medical condition.

23 (b) Clinical policies, medical policies, clinical criteria or any other  
24 generally accepted clinical practice guidelines used to assist in  
25 evaluating the medical necessity of a requested health service shall be  
26 used solely as guidelines and shall not be the basis for a final  
27 determination of medical necessity.

28 (c) Upon denial of a request for authorization of services based on  
29 medical necessity, the individual shall be notified that, upon request,  
30 the Department of Social Services shall provide a copy of the specific  
31 guideline or criteria, or portion thereof, other than the medical  
32 necessity definition provided in subsection (a) of this section, that was  
33 considered by the department or an entity acting on behalf of the  
34 department in making the determination of medical necessity.

35 (d) The Department of Social Services may amend or repeal any  
36 definitions in the regulations of Connecticut state agencies that are  
37 inconsistent with the definition of medical necessity provided in  
38 subsection (a) of this section, including the definitions of medical  
39 appropriateness and medically appropriate, that are used in  
40 administering the department's medical assistance programs. The  
41 commissioner shall implement policies and procedures to carry out the  
42 provisions of this section while in the process of adopting such policies  
43 and procedures in regulation form, provided notice of intent to adopt  
44 the regulations is published in the Connecticut Law Journal not later  
45 than twenty days after implementation. Such policies and procedures  
46 shall be valid until the time the final regulations are adopted.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2010	New section

**HS**      *Joint Favorable Subst.*