



General Assembly

January Session, 2013

Raised Bill No. 1089

LCO No. 2575



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:
(INS)

***AN ACT CONCERNING THE QUALIFICATIONS OF CLINICAL PEERS
FOR ADVERSE DETERMINATION REVIEWS.***

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

1 Section 1. Subdivision (7) of section 38a-591a of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2013*):

4 (7) "Clinical peer" means a [physician or other] licensed health care
5 professional who (A) holds a [nonrestricted license in a state of the
6 United States and in the same or similar specialty as] doctoral or
7 medical degree, and (B) (i) holds an appropriate national board
8 certification including at the subspecialty level where available, or (ii)
9 actively practices and typically manages the medical condition [
10 procedure or treatment] under review or provides the procedure or
11 treatment under review.

12 Sec. 2. Subsection (c) of section 38a-591l of the general statutes is
13 repealed and the following is substituted in lieu thereof (*Effective*
14 *October 1, 2013*):

15 (c) To be eligible for approval by the commissioner, an independent
16 review organization shall:

17 (1) Have and maintain written policies and procedures that govern
18 all aspects of both the standard external review process and the
19 expedited external review process set forth in section 38a-591g that
20 include, at a minimum:

21 (A) A quality assurance mechanism in place that ensures:

22 (i) That external reviews and expedited external reviews are
23 conducted within the specified time frames and required notices are
24 provided in a timely manner;

25 (ii) (I) The selection of qualified and impartial clinical peers to
26 conduct such reviews on behalf of the independent review
27 organization and the suitable matching of such peers to specific cases,
28 and (II) the employment of or the contracting with an adequate
29 number of clinical peers to meet this objective;

30 (iii) The confidentiality of medical and treatment records and
31 clinical review criteria;

32 (iv) That any person employed by or under contract with the
33 independent review organization adheres to the requirements of
34 section 38a-591g; and

35 (B) A toll-free telephone number to receive information twenty-four
36 hours a day, seven days a week, related to external reviews and
37 expedited external reviews and that is capable of accepting, recording
38 or providing appropriate instruction to incoming telephone callers
39 during other than normal business hours;

40 (2) Agree to maintain and provide to the commissioner the
41 information set forth in section 38a-591m; and

42 (3) Not own or control, be a subsidiary of, be owned or controlled in

43 any way by, or exercise control with a health benefit plan, a national,
44 state or local trade association of health benefit plans, or a national,
45 state or local trade association of health care professionals. [; and

46 (4) Assign as a clinical peer a health care professional who meets the
47 following minimum qualifications:

48 (A) Is an expert in the treatment of the covered person's medical
49 condition that is the subject of the review;

50 (B) Is knowledgeable about the recommended health care service or
51 treatment through recent or current actual clinical experience treating
52 patients with the same or similar medical condition of the covered
53 person;

54 (C) Holds a nonrestricted license in a state of the United States and,
55 for physicians, a current certification by a recognized American
56 medical specialty board in the area or areas appropriate to the subject
57 of the review; and

58 (D) Has no history of disciplinary actions or sanctions, including
59 loss of staff privileges or participation restrictions, that have been
60 taken or are pending by any hospital, governmental agency or unit or
61 regulatory body that raise a substantial question as to the clinical
62 peer's physical, mental or professional competence or moral character.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	38a-591a(7)
Sec. 2	October 1, 2013	38a-5911(c)

Statement of Purpose:

To redefine the qualifications of a clinical peer for purposes of reviews of adverse determination grievances.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]