



# Senate

General Assembly

**File No. 61**

February Session, 2014

Senate Bill No. 192

*Senate, March 19, 2014*

The Committee on Insurance and Real Estate reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***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 2014 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective January 1, 2015*):

4 (7) "Clinical peer" means a physician or other health care  
5 professional who:

6 (A) For a review other than as specified under subparagraph (B) or  
7 (C) of subdivision (38) of this section, (i) holds a nonrestricted license  
8 in a state of the United States, [and in the same or similar specialty as]  
9 (ii) holds a doctoral or medical degree, and (iii) (I) holds an  
10 appropriate national board certification including at the subspecialty  
11 level where available, or (II) actively practices and typically manages  
12 the medical condition [, procedure or treatment] under review [, and]  
13 or provides the procedure or treatment under review; or

14 (B) [for] For a review specified under subparagraph (B) or (C) of  
15 subdivision (38) of this section concerning:

16 (i) [a] A child or adolescent substance use disorder or a child or  
17 adolescent mental disorder, (I) holds a nonrestricted license in a state  
18 of the United States, (II) holds a doctoral or medical degree, and (III)  
19 holds a national board certification in child and adolescent psychiatry  
20 or child and adolescent psychology, and has training or clinical  
21 experience in the treatment of child and adolescent substance use  
22 disorder or child and adolescent mental disorder, as applicable; [.] or

23 (ii) [an] An adult substance use disorder or an adult mental  
24 disorder, (I) holds a nonrestricted license in a state of the United States,  
25 (II) holds a doctoral or medical degree, and (III) holds a national board  
26 certification in psychiatry or psychology, and has training or clinical  
27 experience in the treatment of adult substance use disorders or adult  
28 mental disorders, as applicable.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2015	38a-591a(7)

**INS**      *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill specifies certain qualifications for clinical peers in the adverse determination review process. As this concerns private insurance transactions, there is no fiscal impact.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

**OLR Bill Analysis****SB 192*****AN ACT CONCERNING THE QUALIFICATIONS OF CLINICAL PEERS FOR ADVERSE DETERMINATION REVIEWS.*****SUMMARY:**

This bill modifies the qualifications required of clinical peers who review adverse determinations (e.g., claims denials) by health insurers when appealed by insureds. In some ways, the bill appears to require more stringent qualifications but in another way, the bill's requirements appear to be less stringent.

The bill increases the qualifications required of clinical peers reviewing adverse determinations for certain requests regarding a substance use or mental disorder.

The bill also makes minor related changes.

EFFECTIVE DATE: January 1, 2015

**QUALIFICATIONS OF CLINICAL PEERS**

By law, if an insured challenges an adverse determination, a clinical peer of the provider must review the case.

***General Provisions***

Under current law, a clinical peer is generally a physician or other health care professional who holds a non-restricted license in a U.S. state and in the same or similar specialty as someone who typically manages the medical condition, procedure, or treatment under review. The bill eliminates the requirement that the clinical peer be licensed in the same or similar specialty as the provider. On the other hand, it requires the clinical peer to hold a doctoral or medical degree. In addition, it requires him or her to (1) hold an appropriate national

board certification, including at the subspecialty level where available, or (2) (a) actively practice and typically manage the medical condition under review or (b) provide the procedure or treatment under review.

### ***Treatments for Substance Use and Mental Disorders***

The bill increases the required qualifications for clinical peers reviewing adverse determinations for certain requests regarding a substance use disorder or mental disorder. It applies to reviews of requests for a health care service or course of treatment for a (1) substance use disorder, (2) co-occurring mental disorder, or (3) mental disorder requiring (a) inpatient services, (b) partial hospitalization, (c) residential treatment, or (d) intensive outpatient services needed to keep an insured from requiring an inpatient setting.

In these cases, the bill requires clinical peers to hold a (1) non-restricted license in a U.S. state and (2) doctoral or medical degree. By law, for these disorders occurring in children and youth, the clinical peer must hold a national board certification in child and adolescent psychiatry or child and adolescent psychology, and have training or clinical experience in treating child and adolescent substance use or mental disorders, as applicable. For reviews of such cases involving adults, existing law requires the clinical peer to hold a national board certification in psychiatry or psychology, and have training or clinical experience in the treatment of adult substance use or mental disorders, as applicable.

### **COMMITTEE ACTION**

Insurance and Real Estate Committee

Joint Favorable

Yea 15    Nay 4    (03/06/2014)