



General Assembly

Amendment

February Session, 2014

LCO No. 4614

HB0552904614HDO

Offered by:

REP. JOHNSON, 49th Dist.

REP. SRINIVASAN, 31st Dist.

To: Subst. House Bill No. 5529

File No. 446

Cal. No. 262

"AN ACT CONCERNING THE DEFINITION OF MEDICAL NECESSITY."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 38a-482a of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2014*):

5 (a) No insurer, health care center, hospital service corporation,
6 medical service corporation or other entity delivering, issuing for
7 delivery, renewing, continuing or amending any individual health
8 insurance policy providing coverage of the type specified in
9 subdivisions (1), (2), (4), (6), (10), (11) and (12) of section 38a-469 in this
10 state shall deliver or issue for delivery in this state any such policy
11 unless such policy contains a definition of "medically necessary" or
12 "medical necessity" as follows: "Medically necessary" or "medical
13 necessity" means health care services that a physician, exercising
14 prudent clinical judgment, would provide to a patient for the purpose

15 of preventing, evaluating, diagnosing or treating an illness, including
16 mental illness or its effects, injury, disease or its symptoms, and that
17 are: (1) In accordance with generally accepted standards of medical
18 practice; (2) clinically appropriate, in terms of type, frequency, extent,
19 site and duration and considered effective for the patient's illness,
20 injury or disease; [and] (3) not primarily for the convenience of the
21 patient, physician or other health care provider and not more costly
22 than an alternative service or sequence of services at least as likely to
23 produce equivalent therapeutic or diagnostic results as to the diagnosis
24 or treatment of that patient's illness, injury or disease; and (4) based on
25 an assessment of the patient and his or her medical condition by the
26 patient's treating physician. For the purposes of this subsection,
27 "generally accepted standards of medical practice" means standards
28 that are based on credible scientific evidence published in peer-
29 reviewed medical literature generally recognized by the relevant
30 medical community or otherwise consistent with the standards set
31 forth in policy issues involving clinical judgment.

32 (b) Any health care service provided to a patient shall be presumed
33 to be medically necessary, as defined in subsection (a) of this section.

34 [(b)] (c) The provisions of subsection (a) of this section shall not
35 apply to any insurer, health care center, hospital service corporation,
36 medical service corporation or other entity that has entered into any
37 national settlement agreement until the expiration of any such
38 agreement.

39 Sec. 2. Section 38a-513c of the general statutes is repealed and the
40 following is substituted in lieu thereof (*Effective October 1, 2014*):

41 (a) No insurer, health care center, hospital service corporation,
42 medical service corporation or other entity delivering, issuing for
43 delivery, renewing, continuing or amending any group health
44 insurance policy providing coverage of the type specified in
45 subdivisions (1), (2), (4), (6), (10), (11) and (12) of section 38a-469 in this
46 state shall deliver or issue for delivery in this state any such policy

47 unless such policy contains a definition of "medically necessary" or
 48 "medical necessity" as follows: "Medically necessary" or "medical
 49 necessity" means health care services that a physician, exercising
 50 prudent clinical judgment, would provide to a patient for the purpose
 51 of preventing, evaluating, diagnosing or treating an illness, including
 52 mental illness or its effects, injury, disease or its symptoms, and that
 53 are: (1) In accordance with generally accepted standards of medical
 54 practice; (2) clinically appropriate, in terms of type, frequency, extent,
 55 site and duration and considered effective for the patient's illness,
 56 injury or disease; [and] (3) not primarily for the convenience of the
 57 patient, physician or other health care provider and not more costly
 58 than an alternative service or sequence of services at least as likely to
 59 produce equivalent therapeutic or diagnostic results as to the diagnosis
 60 or treatment of that patient's illness, injury or disease; and (4) based on
 61 an assessment of the patient and his or her medical condition by the
 62 patient's treating physician. For the purposes of this subsection,
 63 "generally accepted standards of medical practice" means standards
 64 that are based on credible scientific evidence published in peer-
 65 reviewed medical literature generally recognized by the relevant
 66 medical community or otherwise consistent with the standards set
 67 forth in policy issues involving clinical judgment.

68 (b) Any health care service provided to a patient shall be presumed
 69 to be medically necessary, as defined in subsection (a) of this section.

70 ~~[(b)]~~ (c) The provisions of subsection (a) of this section shall not
 71 apply to any insurer, health care center, hospital service corporation,
 72 medical service corporation or other entity that has entered into any
 73 national settlement agreement until the expiration of any such
 74 agreement."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	38a-482a
Sec. 2	October 1, 2014	38a-513c