



General Assembly

Amendment

January Session, 2019

LCO No. 10948



Offered by:
SEN. KELLY, 21st Dist.

To: Subst. House Bill No. 7267 File No. 353 Cal. No. 676

(As Amended By House Amendment Schedule "A")

**"AN ACT CONCERNING PUBLIC OPTIONS FOR HEALTH CARE
IN CONNECTICUT."**

1 Strike subsections (e) and (f) of section 6 in their entirety and
2 substitute the following in lieu thereof:

3 "(e) (1) Each health care entity or payer identified by the executive
4 director pursuant to subsection (a) of this section, or required by the
5 executive director pursuant to subparagraph (C)(ii)(III) of subdivision
6 (3) of subsection (f) of this section, shall, subject to the provisions of
7 subsections (b) to (d), inclusive, of this section, file with the office a
8 proposed performance improvement plan. Such entity or payer shall
9 file such proposed plan, which shall include an implementation
10 timetable, with the office, in a form and manner prescribed by the
11 executive director, not later than whichever of the following dates first
12 occurs:

13 (A) The date that is thirty days after the date on which the executive

14 director sent a notice to such entity or payer pursuant to subsection (b)
15 of this section;

16 (B) The date that the executive director disclosed to such entity or
17 payer pursuant to subparagraph (B)(iii) of subdivision (2) of subsection
18 (c) of this section; or

19 (C) The date that is thirty days after the date on which the notice of
20 a final decision is issued following a public hearing conducted
21 pursuant to subsection (d) of this section.

22 (2) (A) The executive director shall review each health care entity's
23 and payer's proposed performance improvement plan filed pursuant
24 to subdivision (1) of this subsection to determine whether, in the
25 executive director's judgment, it is reasonably likely that:

26 (i) Such proposed plan will address the cause of such entity's or
27 payer's excessive cost growth; and

28 (ii) Such entity or payer will successfully implement such proposed
29 plan.

30 (B) After the executive director reviews a proposed performance
31 improvement plan pursuant to subparagraph (A) of this subdivision,
32 the executive director shall:

33 (i) Approve such proposed plan if the executive director determines,
34 in the executive director's judgment, that such proposed plan satisfies
35 the criteria established in subparagraph (A) of this subdivision; or

36 (ii) Deny such proposed plan if the executive director determines, in
37 the executive director's judgment, that such proposed plan does not
38 satisfy the criteria established in subparagraph (A) of this subdivision.

39 (C) (i) Not later than thirty days after the executive director
40 approves or denies a proposed performance improvement plan
41 pursuant to subparagraph (B) of this subdivision, the executive
42 director shall send a notice to the health care entity, payer or other

43 entity that filed such proposed plan disclosing, at a minimum, that:

44 (I) The executive director approved such proposed plan; or

45 (II) The executive director denied such proposed plan, the reasons
46 for such denial and that such entity or payer shall file with the office
47 such amendments as are necessary for such proposed plan to satisfy
48 the criteria established in subparagraph (A) of this subdivision.

49 (ii) The executive director shall cause a notice to be posted on the
50 office's Internet web site disclosing:

51 (I) The name of each health care entity or payer that files, and
52 receives approval for, a proposed performance improvement plan; and

53 (II) That such health care entity, payer or other entity is
54 implementing such plan.

55 (D) Each health care entity or payer that receives a notice from the
56 executive director pursuant to subparagraph (C)(i) of this subdivision
57 notifying such entity or payer that the executive director has denied
58 such entity's or payer's proposed performance improvement plan shall
59 file with the office, in a form and manner prescribed by the executive
60 director and not later than thirty days after the date that the executive
61 director sends such notice to such entity or payer, such amendments as
62 are necessary for such proposed plan to satisfy the criteria established
63 in subparagraph (A) of this subdivision.

64 (f) (1) Each health care entity or payer that receives a notice from the
65 executive director pursuant to subparagraph (C)(i) of subdivision (2) of
66 subsection (e) of this section notifying such entity or payer that the
67 executive director has approved such entity's or payer's proposed
68 performance improvement plan:

69 (A) Shall immediately make good faith efforts to implement such
70 plan; and

71 (B) May amend such plan at any time during the implementation

72 timetable included in such plan, provided the executive director
73 approves such amendment.

74 (2) The office shall provide such assistance to each health care entity
75 or payer that the executive director, in the executive director's
76 discretion, deems necessary and appropriate to ensure that such entity
77 or payer successfully implements such entity's or payer's performance
78 improvement plan.

79 (3) (A) Each health care entity or payer that files, and receives
80 approval for, a performance improvement plan pursuant to this
81 section shall, not later than thirty days after the last date specified in
82 the implementation timetable included in such plan, submit to the
83 office, in a form and manner prescribed by the executive director, a
84 report regarding the outcome of such entity's or payer's
85 implementation of such plan.

86 (B) If the executive director determines, on the basis of the report
87 submitted by a health care entity or payer pursuant to subparagraph
88 (A) of this subdivision, that such entity or payer successfully
89 implemented such entity's or payer's performance improvement plan,
90 the executive director shall:

91 (i) Send a notice to such entity or payer, in a form and manner
92 prescribed by the executive director, disclosing such determination;
93 and

94 (ii) Cause the notice posted on the office's Internet web site pursuant
95 to subparagraph (C)(ii) of subdivision (2) of subsection (e) of this
96 section concerning such entity or payer to be removed from such
97 Internet web site.

98 (C) If the executive director determines, on the basis of the report
99 submitted by a health care entity or payer pursuant to subparagraph
100 (A) of this subdivision, that such entity or payer failed to successfully
101 implement such entity's or payer's performance improvement plan, the
102 executive director shall:

103 (i) Send a notice to such entity or payer, in a form and manner
104 prescribed by the executive director, disclosing such determination
105 and any action taken by the executive director pursuant to clause (ii) of
106 this subparagraph; and

107 (ii) In the executive director's discretion:

108 (I) Extend the implementation timetable included in such plan;

109 (II) Require such entity or payer to file with the office, in a form and
110 manner prescribed by the executive director, such amendments to such
111 plan as are, in the executive director's judgment, necessary to ensure
112 that such entity or payer successfully implements such plan;

113 (III) Require such entity or payer to file a new proposed
114 performance improvement plan pursuant to subdivision (1) of
115 subsection (e) of this section; or

116 (IV) Waive or delay the requirement that such entity or payer file
117 any future proposed performance improvement plan until the
118 executive director determines, in the executive director's discretion,
119 that such entity or payer has successfully implemented such plan."