

By: Moody

To: Public Health and
Welfare

HOUSE BILL NO. 1330
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 41-83-31, MISSISSIPPI CODE OF 1972,
2 TO DELETE THE REVERTER ON THE PROVISION WHICH WOULD REQUIRE THAT A
3 HEALTH CARE SERVICES UTILIZATION REVIEW DETERMINATION THAT IS
4 ADVERSE TO A PATIENT OR PROVIDER MUST BE EVALUATED AND CONCURRED
5 IN BY A PHYSICIAN LICENSED TO PRACTICE IN MISSISSIPPI, EXCEPT IN
6 CASES INVOLVING THE COMPREHENSIVE HEALTH INSURANCE RISK POOL
7 ASSOCIATION; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 41-83-31, Mississippi Code of 1972, is
10 amended as follows:

11 41-83-31. Any program of utilization review with regard to
12 hospital, medical or other health care services provided in this
13 state shall comply with the following:

14 (a) No determination adverse to a patient or to any
15 affected health care provider shall be made on any question
16 relating to the necessity or justification for any form of
17 hospital, medical or other health care services without prior
18 evaluation and concurrence in the adverse determination by a
19 physician licensed to practice in Mississippi. The physician who
20 made the adverse determination shall discuss the reasons for any
21 adverse determination with the affected health care provider, if
22 the provider so requests. The physician shall comply with this
23 request within fourteen (14) calendar days of being notified of a
24 request. Adverse determination by a physician shall not be
25 grounds for any disciplinary action against the physician by the
26 State Board of Medical Licensure.

27 (b) Any determination regarding hospital, medical or
28 other health care services rendered or to be rendered to a patient

29 which may result in a denial of third-party reimbursement or a
30 denial of precertification for that service shall include the
31 evaluation, findings and concurrence of a physician trained in the
32 relevant specialty or subspecialty, if requested by the patient's
33 physician, to make a final determination that care rendered or to
34 be rendered was, is, or may be medically inappropriate.

35 (c) The requirement in this section that the physician
36 who makes the evaluation and concurrence in the adverse
37 determination must be licensed to practice in Mississippi shall
38 not apply to the Comprehensive Health Insurance Risk Pool
39 Association or its policyholders and shall not apply to any
40 utilization review company which reviews fewer than ten (10)
41 persons residing in the State of Mississippi.

42 * * *

43 SECTION 2. This act shall take effect and be in force from
44 and after July 1, 2000.