

By: White (5th)

To: Insurance

SENATE BILL NO. 2160

1 AN ACT TO AMEND SECTION 41-83-31, MISSISSIPPI CODE OF 1972,  
 2 TO PROVIDE THAT ENROLLEES AND PROVIDERS OF HEALTH CARE SERVICES  
 3 MAY APPEAL ADVERSE DECISIONS BY UTILIZATION REVIEW ENTITIES TO THE  
 4 MISSISSIPPI DEPARTMENT OF INSURANCE, AND THAT IN THE EVENT SUCH  
 5 ADVERSE DECISION IS OVERRULED ON APPEAL, THE THIRD-PARTY  
 6 REIMBURSEMENT SHALL INCLUDE THE FULL COST OF THE SERVICE INCLUDING  
 7 ANY DEDUCTIBLE AMOUNT PAID OR OWED BY THE ENROLLEE; AND FOR  
 8 RELATED PURPOSES.

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

10 SECTION 1. Section 41-83-31, Mississippi Code of 1972, is  
 11 amended as follows:[JU1]

12 **[Until December 31, 2000, this section shall read as**  
 13 **follows:]**

14 41-83-31. Any program of utilization review with regard to  
 15 hospital, medical or other health care services provided in this  
 16 state shall comply with the following:

17 (a) No determination adverse to a patient or to any  
 18 affected health care provider shall be made on any question  
 19 relating to the necessity or justification for any form of  
 20 hospital, medical or other health care services without an  
 21 independent prior evaluation and concurrence in the adverse  
 22 determination by a physician licensed to practice in Mississippi.

23 The physician who made the adverse determination shall discuss  
 24 the reasons for any adverse determination with the affected health

25 care provider, if the provider so requests. The physician shall  
26 comply with this request within fourteen (14) calendar days of  
27 being notified of a request. Adverse determination by a physician  
28 shall not be grounds for any disciplinary action against the  
29 physician by the State Board of Medical Licensure.

30 (b) Any determination regarding hospital, medical or  
31 other health care services rendered or to be rendered to a patient  
32 which may result in a denial of third-party reimbursement or a  
33 denial of precertification for that service shall include the  
34 evaluation, findings and concurrence of a physician trained in the  
35 relevant specialty or subspecialty, if requested by the patient's  
36 physician, to make a final determination that care rendered or to  
37 be rendered was, is, or may be medically inappropriate. Enrollees  
38 and providers shall have the right to protest decisions denying  
39 third-party reimbursement or precertification of a service, and to  
40 appeal this adverse decision to the Mississippi Department of  
41 Insurance in a manner acceptable to the department. In the event  
42 a decision denying third-party reimbursement or precertification  
43 is overruled on appeal, the third-party payor shall reimburse the  
44 full cost of the service, including any deductible amount. In the  
45 event the medical or health care service was performed pending  
46 appeal by the enrollee or the provider, the enrollee and the  
47 provider shall be reimbursed jointly for the full cost of the  
48 service including any deductible amount. The Mississippi  
49 Department of Insurance shall annually report to the Legislature  
50 the number of complaints received by enrollees, the nature of each  
51 complaint and the manner in which each complaint was resolved.

52 (c) The requirement in this section that the physician  
53 who makes the evaluation and concurrence in the adverse  
54 determination must be licensed to practice in Mississippi shall  
55 not apply to the Comprehensive Health Insurance Risk Pool

56 Association or its policyholders and shall not apply to any  
57 utilization review company which reviews fewer than ten (10)  
58 persons residing in the State of Mississippi.

59 **[From and after January 1, 2001, this section shall read as**  
60 **follows:]**

61 41-83-31. Any program of utilization review with regard to  
62 hospital, medical or other health care services provided in this  
63 state shall comply with the following:

64 (a) No determination adverse to a patient or to any  
65 affected health care provider shall be made on any question  
66 relating to the necessity or justification for any form of  
67 hospital, medical or other health care services without an  
68 independent prior evaluation and concurrence in the adverse  
69 determination by a physician. The reasons for any adverse  
70 determination shall be discussed by said physician with the  
71 affected health care provider, if the provider so requests.

72 (b) Any determination regarding hospital, medical or  
73 other health care services rendered or to be rendered to a patient  
74 which may result in a denial of third-party reimbursement or a  
75 denial of precertification for that service shall include the  
76 evaluation, findings and concurrence of a physician trained in the  
77 relevant specialty or subspecialty, if requested by the patient's  
78 physician, to make a final determination that care rendered or to  
79 be rendered was, is, or may be medically inappropriate. Enrollees  
80 and providers shall have the right to protest decisions denying  
81 third-party reimbursement or precertification of a service, and to  
82 appeal this adverse decision to the Mississippi Department of  
83 Insurance in a manner acceptable to the department. In the event

84 a decision denying third-party reimbursement or precertification  
85 is overruled on appeal, the third-party payor shall reimburse the  
86 full cost of the service, including any deductible amount. In the  
87 event the medical or health care service was performed pending  
88 appeal by the enrollee or the provider, the enrollee and the  
89 provider shall be reimbursed jointly for the full cost of the  
90 service including any deductible amount. The Mississippi  
91 Department of Insurance shall annually report to the Legislature  
92 the number of complaints received by enrollees, the nature of each  
93 complaint and the manner in which each complaint was resolved.

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