

SB 1147

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THE STATE SENATE
Monday, February 28, 2000

Senate Bill No. 1147

SENATE BILL NO. 1147 - By: HENRY of the Senate and SETTLE of the House.

An Act relating to health care; amending Section 5, Chapter 160, O.S.L. 1999 (63 O.S. Supp. 1999, Section 2528.5), which relates to managed health benefit plans; deleting rebuttable presumption that health benefit plan determination of coverage is appropriate; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 5, Chapter 160, O.S.L. 1999 (63 O.S. Supp. 1999, Section 2528.5), is amended to read as follows:

Section 2528.5 A. 1. An insured person or the designee of an insured person shall be required to pay Fifty Dollars (\$50.00) to the health benefit plan toward the cost of an external review.

a. Such payment shall be due at the time the preliminary screening is completed and the insured person or the designee of the insured person is notified of a decision by the independent review organization to accept the appeal, pursuant to procedures specified in the Oklahoma Managed Care External Review Act, for a full external review.

1 b. At the completion of the external review, if the
2 insured person prevails, the payment shall be refunded
3 by the health benefit plan.

4 2. The health benefit plan shall be responsible for the
5 remaining costs related to the external review process.

6 ~~B. A determination in favor of the health benefit plan shall~~
7 ~~create a rebuttable presumption in any subsequent action at law that~~
8 ~~the plan's coverage determination was appropriate.~~

9 ~~C.~~ The number of appeals for an external review by an insured
10 person or a designee of the insured person shall be limited to one
11 appeal per authorization decision.

12 ~~D.~~ C. The health benefit plan may, at its discretion, determine
13 that additional information provided by the insured person or the
14 designee or physician of the insured person justifies a
15 reconsideration of the decision to deny coverage or reimbursement.
16 Upon notice to the insured person or the designee of the insured
17 person and the independent review organization, a subsequent
18 decision by the health benefit plan to grant coverage or
19 reimbursement based upon such reconsideration shall terminate the
20 external review.

21 ~~E.~~ D. Nothing in the Oklahoma Managed Care External Review Act
22 shall be construed to:

1 1. Create any new private right or cause of action for or on
2 behalf of any insured person; or

3 2. Render the health benefit plan liable for injuries or
4 damages arising from any act or omission of the independent review
5 organization.

6 ~~F.~~ E. Independent review organizations and expert reviewers
7 assigned by an independent review organization to conduct an
8 external review shall not be liable for injuries or damages arising
9 from decisions made pursuant to the Oklahoma Managed Care External
10 Review Act. This provision shall not apply to any act or omission
11 by independent review organizations or expert reviewers that is made
12 in bad faith or that involves gross negligence.

13 ~~G.~~ F. After an appeal has been accepted for external review by
14 an independent review organization, an informed consent form, signed
15 by the insured person or the designee of the insured person
16 acknowledging receipt of a copy of the terms and conditions of the
17 external review process as provided by this section and
18 acknowledging understanding of and consent to such terms and
19 conditions, shall be required prior to initiating a full external
20 review.

21 ~~H.~~ G. A health benefit plan shall not remove a physician from
22 its plan, refuse to renew a physician with the plan, or otherwise

1 discipline a physician for advocating on behalf of an insured person
2 in either an internal review or external review.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-00 - DO
8 PASS, As Coauthored.