



129th MAINE LEGISLATURE

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Legislative Document

No. 249

S.P. 61

In Senate, January 22, 2019

An Act To Ensure Protection of Patients in Medical Reviews by Health Insurance Carriers

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.
Cosponsored by Representative PERRY of Calais and
Senators: CLAXTON of Androscoggin, DAVIS of Piscataquis, LIBBY of Androscoggin,
SANBORN, L. of Cumberland, VITELLI of Sagadahoc, Representatives: McCREIGHT of
Harswell, MEYER of Eliot, TEPLER of Topsham.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §4301-A, sub-§4**, as enacted by PL 1999, c. 742, §3, is
3 amended to read:

4 **4. Clinical peer.** "Clinical peer" means a physician or other licensed health care
5 practitioner who holds a nonrestricted license in a state of the United States and is both
6 board certified and in active medical practice in the same ~~or similar~~ specialty as typically
7 manages the medical condition, procedure or treatment under review, ~~or other physician~~
8 ~~or health care practitioner with demonstrable expertise necessary to review a case.~~

9 **Sec. 2. 24-A MRSA §4304, sub-§1**, as amended by PL 2007, c. 199, Pt. B, §13,
10 is further amended to read:

11 **1. Requirements for medical review or utilization review practices.** A carrier
12 must appoint a medical director who is responsible for reviewing and approving the
13 carrier's policies governing the clinical aspects of coverage determinations by any health
14 plan that it offers or renews. A carrier's medical review or utilization review practices
15 must be governed by the standard of medically necessary health care ~~as defined in this~~
16 ~~chapter.~~ All of a carrier's medical reviews, including utilization reviews, case
17 management or any other type of medical review, must be conducted by a clinical peer.

18 **SUMMARY**

19 This bill requires that a health insurance carrier's medical reviews, including
20 utilization reviews and case management, be conducted by a health care practitioner who
21 is board certified and in active medical practice in the same specialty as typically
22 manages the medical condition, procedure or treatment under review.