

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1630

03/09/2015 Authored by Zerwas; Schoen; Dean, M.; Franson; Schultz and others

The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to insurance; modifying requirements for utilization review of certain
1.3 mental health and substance abuse services; amending Minnesota Statutes 2014,
1.4 section 62M.09, subdivisions 3, 3a.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2014, section 62M.09, subdivision 3, is amended to read:

1.7 Subd. 3. **Physician reviewer involvement.** (a) A physician must review all cases
1.8 in which the utilization review organization has concluded that a determination not to
1.9 certify for clinical reasons is appropriate.

1.10 (b) The physician conducting the review must be licensed in this state. This
1.11 paragraph does not apply to reviews conducted in connection with policies issued by a
1.12 health plan company that is assessed less than three percent of the total amount assessed
1.13 by the Minnesota Comprehensive Health Association.

1.14 (c) The physician should be reasonably available by telephone to discuss the
1.15 determination with the attending health care professional.

1.16 (d) This subdivision does not apply to inpatient or outpatient mental health or
1.17 substance abuse services governed by subdivision 3a.

1.18 Sec. 2. Minnesota Statutes 2014, section 62M.09, subdivision 3a, is amended to read:

1.19 Subd. 3a. **Mental health and substance abuse reviews.** (a) A peer of the treating
1.20 mental health or substance abuse provider, a doctoral-level psychologist, or a physician
1.21 must review requests for outpatient services and inpatient services if these inpatient
1.22 services are to be covered by a health maintenance organization licensed under chapter
1.23 62D, in which the utilization review organization has concluded that a determination not

2.1 to certify a mental health or substance abuse service for clinical reasons is appropriate,
2.2 provided that any final determination not to certify treatment is made by a psychiatrist
2.3 certified by the American Board of Psychiatry and Neurology and appropriately licensed
2.4 in this state or by a doctoral-level psychologist licensed in this state.

2.5 (b) Notwithstanding paragraph (a), a doctoral-level psychologist shall not review
2.6 any request or final determination not to certify a mental health or substance abuse service
2.7 or treatment if the treating provider is a psychiatrist. Notwithstanding paragraph (a), if
2.8 the utilization review organization is a health maintenance organization licensed under
2.9 chapter 62D, or is providing utilization review for a health maintenance organization,
2.10 a psychiatrist certified in child and adolescent psychiatry by the American Board of
2.11 Psychiatry and Neurology shall review any request or final determination not to certify
2.12 a mental health or substance abuse service or treatment if the treating provider is a
2.13 psychiatrist and the patient is under the age of 18.

2.14 (c) Notwithstanding the notification requirements of section 62M.05, a utilization
2.15 review organization that has made an initial decision to certify in accordance with the
2.16 requirements of section 62M.05 may elect to provide notification of a determination to
2.17 continue coverage through facsimile or mail.

2.18 (d) This subdivision does not apply to determinations made in connection with
2.19 policies issued by a health plan company that is assessed less than three percent of the
2.20 total amount assessed by the Minnesota Comprehensive Health Association.