

This act is effective the day following final enactment.

Presented to the governor May 9, 1997

Signed by the governor May 12, 1997, 11:20 a.m.

CHAPTER 139—S.F.No. 995

VETOED

CHAPTER 140—S.F.No. 641

An act relating to utilization review organizations; requiring a peer of the treating mental health or substance abuse provider to review a utilization review organization's determination not to certify a mental health or substance abuse service; amending Minnesota Statutes 1996, section 62M.09, subdivision 3, and by adding a subdivision.

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

Section 1. Minnesota Statutes 1996, section 62M.09, subdivision 3, is amended to read:

Subd. 3. **PHYSICIAN REVIEWER INVOLVEMENT.** A physician must review all cases in which the utilization review organization has concluded that a determination not to certify for clinical reasons is appropriate. The physician should be reasonably available by telephone to discuss the determination with the attending physician. This subdivision does not apply to outpatient mental health or substance abuse services governed by subdivision 3a.

Sec. 2. Minnesota Statutes 1996, section 62M.09, is amended by adding a subdivision to read:

Subd. 3a. **MENTAL HEALTH AND SUBSTANCE ABUSE REVIEWS.** A peer of the treating mental health or substance abuse provider or a physician must review requests for outpatient services in which the utilization review organization has concluded that a determination not to certify a mental health or substance abuse service for clinical reasons is appropriate, provided that any final determination not to certify treatment is made by a psychiatrist certified by the American Board of Psychiatry and Neurology, and appropriately licensed in the state in which the psychiatrist resides. Notwithstanding the notification requirements of section 62M.05, a utilization review organization that has made an initial decision to certify in accordance with the requirements of section 62M.05 may elect to provide notification of a determination to continue coverage through facsimile or mail.

Presented to the governor May 9, 1997

Signed by the governor May 12, 1997, 11:06 a.m.

New language is indicated by underline, deletions by strikeout.

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Sec. 2. Minnesota Statutes 1996, section 62M.09, is amended by adding a subdivision to read:

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