

SENATE COMMITTEE OF REFERENCE REPORT

February 7, 2022

Chair of Committee

Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB22-078 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, lines 2 and 3, strike "**amend** (4)(b)(II)(A)"
2 and substitute "**add** (4)(b)(II)(C) and (4)(c)".

3 Page 2, strike lines 6 through 20.

4 Strike page 3 and substitute "**exceptions - definitions - rules - repeal**.
5 (4) **Criteria, limits, and exceptions.** (b) (II) (C) THIS SUBSECTION
6 (4)(b)(II) IS REPEALED, EFFECTIVE JANUARY 1, 2024.

7 (c) (I) ON AND AFTER JANUARY 1, 2024, A CARRIER OR
8 ORGANIZATION SHALL OFFER A QUALIFIED PROVIDER AT LEAST ONE
9 ALTERNATIVE TO PRIOR AUTHORIZATION, INCLUDING:

10 (A) AN EXEMPTION FROM PRIOR AUTHORIZATION REQUIREMENTS;
11 (B) AN INCENTIVE AWARDED TO THE PROVIDER THAT REDUCES
12 THE WAIT TIME FOR OR ADMINISTRATIVE BURDEN ON A COVERED PERSON
13 TO RECEIVE THE REQUESTED HEALTH-CARE SERVICE; OR

14 (C) ANY OTHER INNOVATIVE PROGRAM OF THE CARRIER'S OR
15 ORGANIZATION'S DESIGN TO REWARD PROVIDER COMPLIANCE WITH THE
16 CARRIER'S OR ORGANIZATION'S PRIOR AUTHORIZATION REQUIREMENTS
17 AND THAT REDUCES THE WAIT TIME FOR OR ADMINISTRATIVE BURDEN ON
18 A COVERED PERSON TO RECEIVE THE REQUESTED HEALTH-CARE SERVICE.

19 (II) A PROVIDER IS A QUALIFIED PROVIDER FOR PURPOSES OF
20 SUBSECTION (4)(c)(I) OF THIS SECTION IF THE PROVIDER:

21 (A) IS A PARTICIPATING PROVIDER AND HAS BEEN A PARTICIPATING
22 PROVIDER CONTINUOUSLY FOR AT LEAST THE IMMEDIATELY PRECEDING
23 TWELVE MONTHS; AND

24 (B) OVER THE IMMEDIATELY PRECEDING TWELVE MONTHS, HAS AT
25 LEAST A NINETY-FIVE PERCENT APPROVAL RATE ON AT LEAST FIFTY PRIOR
26 AUTHORIZATION REQUESTS SUBMITTED FOR COVERED PERSONS UNDER A

1 HEALTH BENEFIT PLAN OFFERED BY THE CARRIER.

2 (III) NEITHER A CARRIER NOR AN ORGANIZATION IS REQUIRED TO
3 OFFER AN ALTERNATIVE TO PRIOR AUTHORIZATION TO A PROVIDER THAT
4 IS NOT QUALIFIED PURSUANT TO SUBSECTION (4)(c)(II) OF THIS SECTION,
5 INCLUDING A PROVIDER THAT HAS NOT SUBMITTED PRIOR AUTHORIZATION
6 REQUESTS TO THE CARRIER OR ORGANIZATION FOR AT LEAST TWELVE
7 MONTHS.

8 (IV) AT LEAST ANNUALLY, A CARRIER OR ORGANIZATION SHALL
9 REEXAMINE A PROVIDER'S PRESCRIBING OR ORDERING PATTERNS AND
10 REEVALUATE WHETHER THE PROVIDER IS A QUALIFIED PROVIDER FOR
11 PURPOSES OF AN EXEMPTION FROM OR OTHER ALTERNATIVE TO PRIOR
12 AUTHORIZATION REQUIREMENTS PURSUANT TO SUBSECTION (4)(c)(I) OF
13 THIS SECTION.

14 (V) THE CARRIER OR ORGANIZATION SHALL INFORM THE PROVIDER
15 OF THE PROVIDER'S EXEMPTION STATUS AND PROVIDE INFORMATION ON
16 THE DATA CONSIDERED AS PART OF ITS REEXAMINATION OF THE
17 PROVIDER'S PRESCRIBING OR ORDERING PATTERNS FOR THE
18 TWELVE-MONTH PERIOD OF REVIEW.".

19 Page 4, strike lines 1 through 10.

20 Renumber succeeding section accordingly

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