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INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 239, L.D. 648, Bill, “An Act To Make Records of External Review Proceedings Overseen by the Bureau of Insurance Confidential”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 24-A MRS §4312, sub-§7-A is enacted to read:

7-A. Confidentiality. Except as provided in this subsection, all records of the bureau or an independent review organization relating to an external review request or external review proceeding are confidential and not a public record under Title 1, chapter 13.

A. A party to an external review may obtain from the independent review organization a transcript or recording of the external review hearing and a copy of any evidence introduced by the opposing party.

B. The superintendent shall disseminate to the Legislature and to the public aggregate information related to external reviews conducted by independent review organizations on an annual basis, including:

(1) The number of external review requests by carrier, the number of decisions in favor of the enrollee, the number of decisions upholding the carrier's benefit determination and the number of external review requests resolved prior to the issuance of a decision; and

(2) The categories of external review requests by carrier. The categories may not include personally identifiable information or specific medical condition. The categories must include, but are not limited to, medical necessity, out-of-network referrals, inpatient care, behavioral health, prescription drugs and experimental or investigational treatment.'

COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill. The amendment protects the confidentiality of records of an external review proceeding arranged by the Department of Professional and Financial Regulation, Bureau of Insurance concerning an insurance carrier's adverse health care treatment decision, but gives parties to an external review proceeding the right to obtain a transcript or recording of the external review hearing and a copy of any evidence. The amendment also requires the Superintendent of Insurance to disseminate aggregate information relating to external review decisions to the Legislature and the public on an annual basis.

FISCAL NOTE REQUIRED

(See attached)