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Fifty-eighth
Legislative Assembly   HOUSE BILL NO. 1462
of North Dakota

Introduced by

   Representatives S. Kelsh, Gulleson, Maragos, Zaiser

   Senator Mathern

1   A BILL for an Act to create and enact a new section to chapter 26.1-18.1 of the North Dakota

2   Century Code, relating to health maintenance organization independent review grievance

3   procedures.

4   **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5   **SECTION 1.** A new section to chapter 26.1-18.1 of the North Dakota Century Code is

6   created and enacted as follows:

7   **Medically necessary services - Independent review grievance procedure.** A health

8   maintenance organization shall provide an independent review grievance procedure to address

9   disputes between a primary care physician and the health maintenance organization regarding

10 the medical necessity of a covered service proposed by that primary care physician. In the

11 case of a grievance under this section, a physician shall review the determination in question

12 and if the reviewing physician determines the covered service is medically necessary, the

13 health maintenance organization shall provide the covered services as provided under the

14 contract. A reviewing physician shall hold the same class of license as the primary care

15 physician; must be unaffiliated with the health maintenance organization; and must be jointly

16 selected by the primary care physician, health maintenance organization, and patient. If the

17 patient is unable to act, the patient's next of kin or legal representative shall participate in the

18 physician selection process. The grievance procedure under this section is in addition to any

19 other grievance procedure provided by the health maintenance organization. As provided

20 under section 26.1-04-03, a health maintenance organization may not retaliate against a

21 physician for patient advocacy under this section. The health maintenance organization

22 contract must contain a clear statement of the independent review grievance procedure under

23 this section.