

**SENATE BILL NO. 2274**

Introduced by

Senators J. Lee, Heckaman, Klein

Representatives Keiser, Thorpe, Weisz

1 A BILL for an Act to amend and reenact section 26.1-36-44 of the North Dakota Century Code,  
2 relating to health insurance independent external reviews requested by providers.

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

4 **SECTION 1. AMENDMENT.** Section 26.1-36-44 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **26.1-36-44. Independent external review.** Every insurance company, nonprofit health  
7 service corporation, and health maintenance organization that offers an accident and health line  
8 of insurance shall establish and implement an independent external review mechanism to  
9 review and determine whether medical care rendered under the line of insurance was medically  
10 necessary and appropriate to the claim as submitted by the provider. For purposes of this  
11 section, "independent external review" means a review conducted by the North Dakota health  
12 care review, inc., another peer review organization meeting the requirements of section 1152 of  
13 the Social Security Act, or any person designated by the commissioner to conduct an  
14 independent external review. A determination made by the independent external reviewer is  
15 binding on the parties. Costs associated with the independent external review are the  
16 responsibility of the nonprevailing party. A provider may not use an independent external  
17 review under this section unless the provider first has exhausted all internal appeal processes  
18 offered by the insurance company, nonprofit health service corporation, or health maintenance  
19 organization.