MAINE STATE LEGISLATURE

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	L.D. 546
2	DATE: April 14, 1997 (Filing No. s- 113)
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6	Reproduced and distributed under the direction of the Secretary of the Senate.
8	STATE OF MAINE
10	SENATE SENATE 118TH LEGISLATURE
12	FIRST SPECIAL SESSION
14	SENATE AMENDMENT " A" to H.P. 401, L.D. 546, Bill, "An Act
16	to Ensure Responsible Coordination of Medical Care under Managed
18	Amend the bill by striking out all of section 1 (page 1,
20	lines 3 to 11 in L.D.) and inserting in its place the following:
22	Sec. 1. 24-A MRSA §4303, sub-§2, ¶¶A and B, as enacted by PL 1995, c. 673, Pt. C, \S 1 and affected by \S 2, are amended to read:
24	A. The granting of credentials must be based on objective
26	standards that are available to providers upon application for credentialling. A carrier shall consult with
28	appropriately qualified health care professionals in developing its credentialling standards.
30	
32	B. All <u>credentialling</u> decisions regarding—the, including those granting of <u>denying</u> or withdrawing credentials, including—a-decision—to-deselect—a-provider, must be in
34	writing. The provider must be provided with all reasons for the denial of an application, nonrenewal of a contract or
36	the defination an application, instrument and instrument action the termination of credentials. A withdrawal of credentials must
38	be treated as a provider termination and is subject to the requirements of subsection 3-A.
40	Sec. 2. 24-A MRSA §4303, sub-§3-A is enacted to read:
42	and the second of the second o

Page 1-LR1225(2)

3-A. Termination of participating providers. A carrier offering a managed care plan may not terminate or nonrenew a

contract with a participating provider unless the carrier

	<u>provides the provider with a written explanation prior to the</u>
2	termination or nonrenewal of the reasons for the proposed
	contract termination or nonrenewal and provides an opportunity
4	for a review or hearing in accordance with this subsection. The
	existence of a termination without cause provision in a carrier's
б	contract with a provider does not supersede the requirements of
	this subsection. This subsection does not apply to termination
8	cases involving imminent harm to patient care, a final
	determination of fraud by a governmental agency, a final
10	disciplinary action by a state licensing board or other
	governmental agency that impairs the ability of a provider to
12	practice. A review or hearing of proposed contract termination
	must meet the following requirements.
14	
	A. The notice of the proposed contract termination or
16	nonrenewal provided by the carrier to the participating
	provider must include:
18	
	(1) The reason or reasons for the proposed action in
20	sufficient detail to permit the provider to respond;
22	(2) Reference to the evidence or documentation
	underlying the carrier's decision to pursue the
24	proposed action. A carrier shall permit a provider to
	review this evidence and documentation upon request;
26	
	(3) Notice that the provider has the right to request
28	a review or hearing before a panel appointed by the
2.0	<pre>carrier;</pre>
30	
2.2	(4) A time limit of not less than 30 days from the
32	date the provider receives the notice within which a
34	provider may request a review or hearing; and
34	(E) A time limit from a large law date with a set of
36	(5) A time limit for a hearing date that must be not
30	less than 30 days after the date of receipt of a
38	request for a hearing.
30	Termination or nonrenewal may not be effective earlier than
40	60 days from the receipt of the notice of termination or
40	nonrenewal.
42	nontenewat.
4 L	B. A hearing panel must be composed of at least 3 persons
44	appointed by the carrier and one person on the hearing panel
	must be a clinical peer in the same discipline and the same
46	or similar specialty of the provider under review. A
- •	hearing panel may be composed of more than 3 persons if the
48	number of clinical peers on the hearing panel constitutes

Page 2-LR1225(2)

2	C. A hearing panel shall render a written decision on the
4	proposed action in a timely manner. This decision must be either the reinstatement of the provider by the carrier, the
	provisional reinstatement of the provider subject to
6	conditions established by the carrier or the termination or
	nonrenewal of the provider.
8	
	D. A decision by a hearing panel to terminate or nonrenew a
10	contract with a provider may not become effective less than
	60 days after the receipt by the provider of the hearing
12	panel's decision or until the termination date in the
	provider's contract, whichever is earlier.'
14	
16	SUMMARY
18	This amendment replaces the bill. The amendment requires a
	carrier proposing to terminate a participating provider to
20	provide a detailed explanation of the carrier's reasons for
	seeking to terminate the provider and the opportunity for a
22	review or hearing on the decision at the provider's request.
	This requirement does not apply to termination cases involving
24	imminent harm to patient care, a final determination of fraud by
	a governmental agency or a final disciplinary action that impairs
26	the provider's ability to practice. A hearing panel of at least
20	3 persons, including one clinical peer of the provider, must
20	
28	review a proposed action to terminate a provider and provide a
	written decision to the provider
30	
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	SPONSORED BY: // / / / / / / / / / / / / / / / / /
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