

Senate Bill 314

By: Senators Squires of the 5th, Price of the 56th, Thomas of the 10th and Thomas of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-20A-31 of the Official Code of Georgia Annotated, relating to
2 definitions relative to a patient's right to independent review with regard to managed health
3 care plans, so as to amend the definition of the terms "medical necessity," "medically
4 necessary care," and "medically necessary and appropriate" with regard to a patient's right
5 to independent review of a decision of a managed care entity; to provide for related matters;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 33-20A-31 of the Official Code of Georgia Annotated, relating to definitions
10 relative to a patient's right to independent review with regard to managed health care plans,
11 is amended by striking paragraph (5) and inserting in lieu thereof a new paragraph (5) to read
12 as follows:

13 "(5) 'Medical necessity,' 'medically necessary care,' or 'medically necessary and
14 appropriate' means care ~~based upon generally accepted medical practices in light of~~
15 conditions at the time of treatment which is for the purpose of preventing, diagnosing, or
16 treating an illness, injury, or disease that is:

17 ~~(A) Appropriate and consistent with the diagnosis and the omission of which could~~
18 ~~adversely affect or fail to improve the eligible enrollee's condition;~~

19 ~~(B) Compatible~~ In accordance with the standards of acceptable medical practice in the
20 United States;

21 (B) Clinically appropriate in terms of type, frequency, extent, site, and duration;

22 ~~(C) Appropriate and consistent with the diagnosis and the omission of which could~~
23 adversely affect or fail to improve the eligible enrollee's condition;

24 (D) Provided in a safe and appropriate setting given the nature of the diagnosis and the
25 severity of the symptoms;

