



General Assembly

February Session, 2010

Raised Bill No. 5296

LCO No. 1351



Referred to Committee on Human Services

Introduced by:
(HS)

AN ACT CONCERNING THE DEFINITION OF MEDICAL NECESSITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2010*) (a) For purposes of the
2 administration of the Medicaid program by the Department of Social
3 Services, "medically necessary" and "medical necessity" mean those
4 services required to prevent, identify, diagnose, treat, rehabilitate or
5 ameliorate a medical condition or mental illness, or its effects, in order
6 to attain or maintain maximum achievable health, functioning and
7 independence, provided such services are: (1) Consistent with
8 generally-accepted standards of medical practice that are based on (A)
9 credible scientific evidence published in peer-reviewed medical
10 literature that is generally recognized by the relevant medical
11 community, (B) recommendations of a physician-specialty society, (C)
12 the views of physicians practicing in relevant clinical areas, and (D)
13 any other relevant factors, as determined by the Department of Social
14 Services; (2) clinically appropriate in terms of type, frequency, timing,
15 site, extent and duration and considered effective for the patient's
16 illness, injury or disease; and (3) not primarily for the convenience of
17 the patient, physician or other health care providers and not more

18 . costly than an alternative service or sequence of services at least as
19 likely to produce equivalent therapeutic or diagnostic results as to the
20 diagnosis or treatment of that patient's illness, injury or disease.

21 (b) The Department of Social Services, or a designee of the
22 department, shall conduct an individualized assessment of a Medicaid
23 recipient's medical condition or mental illness to determine whether
24 services are medically necessary or a medical necessity, as defined in
25 subsection (a) of this section, for the recipient.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2010</i>	New section
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Statement of Purpose:

To define the terms "medically necessary" and "medical necessity" for the purpose of the administration of the Medicaid program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]