



MEDICAL SOCIETY OF VIRGINIA Issue Backgrounder

Please Support HB 11 - Peer Review

Issue Background

When a health plan or HMO issues an adverse decision, whereby the health plan or HMO determines that a health care service is or was not medically necessary and will not be paid for, the treating physician can ask for reconsideration of the denial. The vast majority of the time, a physician peer of the treating physician is not involved in the review in a timely way.

A treating physician may request “reconsideration” of the adverse decision. Under the current statute, reconsideration decisions shall be made within ten (10) working days by a physician advisor, peer of the treating provider, or panel of other appropriate providers with at least one physician advisor or peer of provider on the panel. For example, a health plan or HMO may use a nurse practitioner, a registered nurse, or a physician’s assistant to evaluate the case. Physician specialists and sub-specialists often find that claims are denied by practitioners who do not have expertise in their specialties and do not understand the complexities of a patient’s diagnosis or treatment.

There is also another option available to review a denial of a health care service. An appeal can be initiated by a patient, a representative of a patient, or a provider as a representative of the patient. An appeal is governed by both federal and state law. With the exception of appeals for emergencies and use of cancer pain medications, health plans or HMOs have 30 to 60 days to act on these appeals depending upon the type of health care service proposed.

MSV Talking Points

- » MSV supports HB 11 as introduced. HB 11 would specify that upon receiving an adverse decision, a treating physician may request reconsideration by a physician peer rather than by physician advisors (nurses) or panels of other health care providers.
- » HB 11 retains the current requirement that a health plan or HMO respond within 10 days to a reconsideration of an adverse decision.
- » This bill provides patients with a timely response and reduces the uncertainty in receiving physician-recommended treatment.
- » The bill enhances treating physicians’ ability to have a reconsideration conducted by a physician peer, to best ensure quality health care services can be delivered to their patients.

For more information, contact the Medical Society of Virginia’s government affairs department by phone at 804 | 343-1185, or visit the MSV Web site, www.msv.org/legislative.

