
A BILL FOR AN ACT

RELATING TO EXTERNAL REVIEW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 432E, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "~~§432E-~~ External review; appeals. (a) An enrollee or
5 the enrollee's appointed representative may appeal the decision
6 of an independent review organization and request an evidentiary
7 hearing by filing a notice of appeal with the commissioner
8 within thirty days of the date of the decision. The
9 commissioner, at the commissioner's discretion, shall refer the
10 appeal to:

11 (1) The circuit court, as provided for contested case
12 appeals pursuant to section 91-14, in which case the
13 appeal shall proceed according to the calendar set by
14 the court, and further judicial review of the court's
15 decision shall be as provided by law; or

16 (2) An administrative hearing by a hearings officer
17 designated by the commissioner, or a review panel
18 composed of a hearings officer and:



1 (A) A representative from a managed care plan that is
2 not involved in the complaint; and
3 (B) A person who is licensed under chapter 453 to
4 practice medicine in Hawaii, is currently
5 practicing medicine in Hawaii, and is not
6 involved in the complaint,
7 in which case the appeal shall be heard pursuant to
8 title 16, chapter 201, of the Hawaii administrative
9 rules and such other rules as the commissioner may
10 adopt pursuant to chapter 91.

11 Upon a decision by the hearings officer or, if applicable,
12 a majority vote of the review panel, the commissioner shall
13 issue an order affirming, modifying, or reversing the decision
14 of the independent review organization within thirty days of the
15 hearing.

16 (b) No person shall serve as a hearings officer or on the
17 review panel who, through a familial relationship within the
18 second degree of consanguinity or affinity, or for other
19 reasons, has a direct and substantial professional, financial,
20 or personal interest in:



1 (1) The managed care plan involved in the complaint,
2 including an officer, director, or employee of the
3 plan; or

4 (2) The treatment of the enrollee, including but not
5 limited to the developer or manufacturer of the
6 principal drug, device, procedure, or other therapy at
7 issue.

8 (c) No hearings officer or member of a review panel shall
9 be liable in damages to any person for any opinions rendered or
10 acts or omissions performed within the scope of the person's
11 duties under the law during or upon completion of an appeal
12 conducted pursuant to this section, unless the opinion was
13 rendered or the act or omission was performed in bad faith or
14 involved gross negligence.

15 (d) An enrollee may be allowed, at the commissioner's
16 discretion, an award of a reasonable sum for attorney's fees,
17 reasonable costs, and expert fees incurred in connection with an
18 appeal under this section, unless the commissioner in a separate
19 administrative proceeding determines that the appeal was
20 unreasonable, fraudulent, excessive, or frivolous.

21 (e) The enrollee may request an expedited appeal, in which
22 case the appeal shall be heard by at least one person identified



1 in subsection (a)(2). A decision in an expedited appeal shall
2 be rendered as expeditiously as possible but in no event more
3 than seven days after the date the commissioner received the
4 request.

5 (f) A decision of a hearings officer or review panel
6 regarding the enrollee's appeal shall be appealable to the
7 intermediate appellate court, as provided in section 602-57."

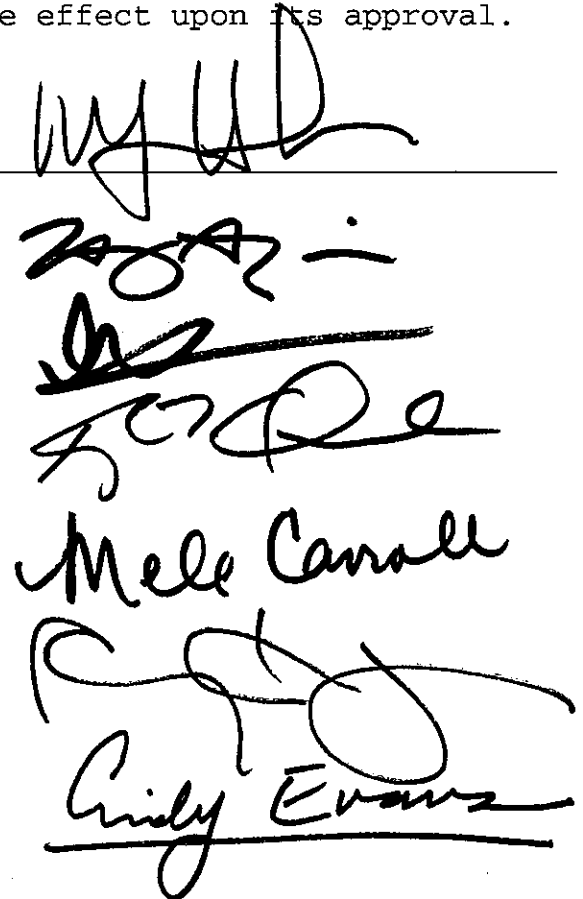
8 SECTION 2. New statutory material is underscored.

9 SECTION 3. This Act shall take effect upon its approval.

10

INTRODUCED BY:

Kal Roubicek



JAN 23 2012



H.B. NO. 2362

Report Title:

External Review; Managed Care Plans

Description:

Allows an enrollee in a managed care plan or the enrollee's appointed representative to appeal an external review decision issued under chapter 432E, Hawaii Revised Statutes, to the circuit court, hearings officer, or review panel.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

