

**SENATE AMENDMENT 4,
TO 2001 SENATE BILL 375**

March 7, 2002 – Offered by Senators BRESKE and MOEN.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 4: after “insurers,” insert “providing notice of the right to
3 independent review.”.

4 **2.** Page 9, line 25: after that line insert:

5 “**SECTION 23c.** 632.835 (2) (b) of the statutes, as created by 1999 Wisconsin Act
6 155, is amended to read:

7 632.835 (2) (b) ~~Whenever~~ If an adverse determination or an experimental
8 treatment determination is made, the insurer involved in the determination shall
9 provide notice to the insured of the insured’s right to obtain the independent review
10 required under this section, how to request the review, and the time within which the
11 review must be requested. The notice shall include a current listing of independent
12 review organizations certified under sub. (4). An independent review under this

1 section may be conducted only by an independent review organization certified
2 under sub. (4) and selected by the insured.

3 **SECTION 23d.** 632.835 (2) (bg) of the statutes is created to read:

4 632.835 (2) (bg) Notwithstanding par. (b), an insurer is not required to provide
5 the notice under par. (b) to an insured until the insurer sends notice of the disposition
6 of the internal grievance if all of the following apply:

7 1. The health benefit plan issued by the insurer contains a description of the
8 independent review procedure under this section, including an explanation of the
9 insured's rights under par. (d), how to request the review, the time within which the
10 review must be requested, and how to obtain a current listing of independent review
11 organizations certified under sub. (4).

12 2. The insurer includes on its explanation of benefits form a statement that the
13 insured may have a right to an independent review after the internal grievance
14 process and that an insured may be entitled to expedited independent review with
15 respect to an urgent matter. The statement shall also include a reference to the
16 section of the policy or certificate that contains the description of the independent
17 review procedure as required under subd. 1. The statement shall provide a toll-free
18 telephone number and website, if appropriate, where consumers may obtain
19 additional information regarding internal grievance and independent review
20 processes.

21 3. For any adverse determination or experimental treatment determination for
22 which an explanation of benefits is not provided to the insured, the insurer provides
23 a notice that the insured may have a right to an independent review after the
24 internal grievance process and that an insured may be entitled to expedited,
25 independent review with respect to an urgent matter. The notice shall also include

1 a reference to the section of the policy or certificate that contains the description of
2 the independent review procedure as required under subd. 1. The notice shall
3 provide a toll-free telephone number and website, if appropriate, where consumers
4 may obtain additional information regarding internal grievance and independent
5 review processes.”.

6 **3.** Page 11, line 12: after that line insert:

7 “**SECTION 26m. Effective dates.** This act takes effect on the day after
8 publication, except as follows:

9 (1x) NOTICE OF INDEPENDENT REVIEW. The treatment of section 632.835 (2) (b)
10 and (bg) of the statutes takes effect on the date stated in the notice published by the
11 commissioner of insurance in the Wisconsin Administrative Register under section
12 632.835 (8) of the statutes.”.

13 (END)