

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB22-106 be amended as follows:

1 Amend printed bill, page 2, strike lines 22 through 26 and substitute:

2 "(B) EACH MCE SHALL REPORT QUARTERLY THE NUMBER OF
3 PROVIDERS WHO APPLIED TO JOIN THE NETWORK AND WERE DENIED AND
4 A COMPARISON OF RATE RANGES FOR PROVIDERS WHO HAVE OWNERSHIP
5 OR BOARD MEMBERSHIP VERSUS PROVIDERS WHO DO NOT."

6 Page 3, strike lines 1 and 2.

7 Page 3, line 4, strike "MCE." and substitute "MCE UNLESS THE EMPLOYEE
8 IS THE CHIEF CLINICAL OFFICER OR UTILIZATION MANAGEMENT DIRECTOR
9 OF THE MCE. IF THE INDIVIDUAL IS ALSO AN EMPLOYEE OF A PROVIDER
10 THAT HAS BOARD MEMBERSHIP OR OWNERSHIP IN THE MCE, THE MCE
11 SHALL DEVELOP POLICIES, APPROVED BY THE EXECUTIVE DIRECTOR OF THE
12 STATE DEPARTMENT, TO MITIGATE ANY CONFLICT OF INTEREST THE
13 EMPLOYEE MAY HAVE."

14 Page 3, strike line 16, and substitute:

15 "(III) AS USED IN THIS SUBSECTION (9)(b):

16 (A) "CHIEF CLINICAL OFFICER" MEANS A PHYSICIAN WHO PROVIDES
17 THE CLINICAL VISION FOR THE MCE AND MAY PROVIDE CLINICAL
18 DIRECTION TO NETWORK MANAGEMENT, QUALITY IMPROVEMENT,
19 UTILIZATION MANAGEMENT, OR CREDENTIALING DIVISIONS.

20 (B) "MCE" MEANS A".

21 Page 3, strike line 19 and substitute "25.5-5-402 (3) AND IS NOT OWNED,
22 OPERATED BY, OR AFFILIATED WITH AN INSTRUMENTALITY, MUNICIPALITY,
23 OR POLITICAL SUBDIVISION OF THE STATE."

24 Page 3, after line 19 insert:

25 "(C) "OWNERSHIP" MEANS AN INDIVIDUAL WHO IS A LEGAL
26 PROPRIETOR OF AN ORGANIZATION, INCLUDING A PROVIDER OR INDIVIDUAL
27 WHO OWNS ASSETS OF AN ORGANIZATION, OR HAS A FINANCIAL STAKE,
28 INTEREST, OR GOVERNANCE ROLE IN THE MCE.

29 (D) "UTILIZATION MANAGEMENT DIRECTOR" MEANS A LICENSED
30 HEALTH CARE PROFESSIONAL WITH BEHAVIORAL HEALTH CLINICAL
31 EXPERIENCE THAT LEADS AND DEVELOPS THE UTILIZATION MANAGEMENT
32 PROGRAM AND MANAGES THE MEDICAL REVIEW AND AUTHORIZATION
33 PROCESS."

1 Page 4, line 17, strike "ORGANIZATION." and substitute "ORGANIZATION
2 UNLESS THE EMPLOYEE IS A MEDICAL DIRECTOR FOR THE ADMINISTRATIVE
3 SERVICE ORGANIZATION. IF THE MEDICAL DIRECTOR IS ALSO AN EMPLOYEE
4 OF A PROVIDER THAT HAS BOARD MEMBERSHIP OR OWNERSHIP IN THE
5 ADMINISTRATIVE SERVICE ORGANIZATION, THE ADMINISTRATIVE SERVICE
6 ORGANIZATION SHALL DEVELOP POLICIES, APPROVED BY THE
7 COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION, TO
8 MITIGATE ANY CONFLICT OF INTEREST THE MEDICAL DIRECTOR MAY
9 HAVE.".

10 Page 4, strike lines 23 through 26 and substitute:

11 "(b) IF THE OFFICE IS UNABLE TO CONTRACT WITH AN
12 ADMINISTRATIVE SERVICE ORGANIZATION THAT MEETS THE
13 REQUIREMENTS OF THIS SUBSECTION (8), THE OFFICE MAY DESIGNATE
14 ANOTHER EXISTING ADMINISTRATIVE SERVICE ORGANIZATION TO
15 TEMPORARILY PROVIDE THE SERVICES FOR THAT REGION, FOR UP TO ONE
16 YEAR, PENDING DESIGNATION OF A NEW ADMINISTRATIVE SERVICE
17 ORGANIZATION. IF THE OFFICE IS UNABLE TO DESIGNATE A NEW
18 ADMINISTRATIVE SERVICE ORGANIZATION, THE TEMPORARY
19 ADMINISTRATIVE SERVICE ORGANIZATION MAY CONTINUE TO PROVIDE THE
20 REGIONAL BEHAVIORAL HEALTH CRISIS RESPONSE SYSTEM SERVICES ON A
21 YEAR BY YEAR BASIS.

22 (c) AS USED IN THIS SUBSECTION (8), UNLESS THE CONTEXT
23 OTHERWISE REQUIRES:

24 (I) "MEDICAL DIRECTOR" MEANS A PHYSICIAN WHO OVERSEES THE
25 MEDICAL CARE AND OTHER DESIGNATED CARE AND SERVICES IN AN
26 ADMINISTRATIVE SERVICES ORGANIZATION. THE MEDICAL DIRECTOR MAY
27 BE RESPONSIBLE FOR HELPING TO DEVELOP CLINICAL QUALITY
28 MANAGEMENT AND UTILIZATION MANAGEMENT.

29 (II) "OWNERSHIP" MEANS AN INDIVIDUAL WHO IS A LEGAL
30 PROPRIETOR OF AN ORGANIZATION, INCLUDING A PROVIDER OR INDIVIDUAL
31 WHO OWNS ASSETS OF AN ORGANIZATION, OR HAS A FINANCIAL STAKE,
32 INTEREST, OR GOVERNANCE ROLE IN THE ADMINISTRATIVE SERVICES
33 ORGANIZATION.".

34 Page 5, line 24, strike "ORGANIZATION." and substitute "ORGANIZATION
35 UNLESS THE EMPLOYEE IS A MEDICAL DIRECTOR FOR THE MANAGED
36 SERVICE ORGANIZATION. IF THE MEDICAL DIRECTOR IS ALSO AN EMPLOYEE
37 OF A PROVIDER THAT HAS BOARD MEMBERSHIP OR OWNERSHIP IN THE
38 MANAGED SERVICE ORGANIZATION, THE MANAGED SERVICE
39 ORGANIZATION SHALL DEVELOP POLICIES, APPROVED BY THE
40 COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION, TO

1 MITIGATE ANY CONFLICT OF INTEREST THE MEDICAL DIRECTOR MAY
2 HAVE.".

3 Page 6, strike lines 3 through 6 and substitute:

4 "(b) IF THE OFFICE IS UNABLE TO CONTRACT WITH A MANAGED
5 SERVICE ORGANIZATION THAT MEETS THE REQUIREMENTS OF THIS
6 SUBSECTION (2.5), THE OFFICE MAY DESIGNATE ANOTHER EXISTING
7 MANAGED SERVICE ORGANIZATION TO TEMPORARILY PROVIDE THE
8 SERVICES FOR THAT REGION, FOR UP TO ONE YEAR, PENDING DESIGNATION
9 OF A NEW MANAGED SERVICE ORGANIZATION. IF THE OFFICE IS UNABLE TO
10 DESIGNATE A NEW MANAGED SERVICE ORGANIZATION, THE TEMPORARY
11 MANAGED SERVICE ORGANIZATION MAY CONTINUE TO PROVIDE THE
12 REGIONAL SUBSTANCE USE DISORDER SERVICES ON A YEAR BY YEAR BASIS.

13 (c) AS USED IN THIS SUBSECTION (2.5), UNLESS THE CONTEXT
14 OTHERWISE REQUIRES:

15 (I) "MEDICAL DIRECTOR" MEANS A PHYSICIAN WHO OVERSEES THE
16 MEDICAL CARE AND OTHER DESIGNATED CARE AND SERVICES IN A
17 MANAGED SERVICE ORGANIZATION. THE MEDICAL DIRECTOR MAY BE
18 RESPONSIBLE FOR HELPING TO DEVELOP CLINICAL QUALITY MANAGEMENT
19 AND UTILIZATION MANAGEMENT.

20 (II) "OWNERSHIP" MEANS AN INDIVIDUAL WHO IS A LEGAL
21 PROPRIETOR OF AN ORGANIZATION, INCLUDING A PROVIDER OR INDIVIDUAL
22 WHO OWNS ASSETS OF AN ORGANIZATION, OR HAS A FINANCIAL STAKE,
23 INTEREST, OR GOVERNANCE ROLE IN THE MANAGED SERVICE
24 ORGANIZATION.".

25 Strike "OCTOBER 1, 2022," and substitute "JANUARY 1, 2023," on: **Page**
26 **2**, line 14; **Page 3**, line 24; and **Page 5**, line 4.

27 Strike "PROVIDER OWNERSHIP" and substitute "OWNERSHIP BY PROVIDERS
28 OF BEHAVIORAL HEALTH SERVICES" on: **Page 2**, lines 16 and 17; **Page 3**,
29 line 27; and **Page 5**, line 7.

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