



The Commonwealth of Massachusetts

HEALTH POLICY COMMISSION

50 MILK STREET, 8TH FLOOR
BOSTON, MASSACHUSETTS 02109

STUART H. ALTMAN
CHAIR

DAVID M. SELTZ
EXECUTIVE DIRECTOR

To: External Review Agencies under Contract with the Health Policy Commission Pursuant to M.G.L. c. 176O, § 14
From: Nancy K. Ryan, Director, Office of Patient Protection
Re: External Review for Denials of Out-Of-Network Coverage related to Emergency Services
Date: January 31, 2019

External Review for Denials of Out-Of-Network Coverage related to Emergency Services

Massachusetts law requires carriers to cover emergency services provided to members for emergency medical conditions. If a member receives care for an emergency medical condition at an out-of-network provider, payment must be made by the carrier at the same level and in the same manner as if the member had been treated by an in-network provider.

An external review request may be eligible when the carrier issues a final adverse determination for out-of-network coverage and the member asserts that the out-of-network care was for treatment of an emergency medical condition. The health plan may be denying coverage entirely or may be denying coverage at the in-network rate. The external review will be based upon whether it was medically necessary for the illness or condition to be treated promptly with the out-of-network provider and whether the illness or condition met the state definition of an emergency medical condition. As in all external review written decisions, the reviewer shall include the medical necessity standard as defined at 958 CMR 3.020 and an analysis of the medical evidence used to support the decision.

Definition of Emergency Medical Condition

“a medical condition, whether physical, behavioral, related to substance use disorder, or mental, manifesting itself by symptoms of sufficient severity, including severe pain, that the absence of prompt medical attention could reasonably be expected by a prudent layperson who possesses an average knowledge of health and medicine, to result in placing the health of the insured or another person in serious jeopardy, serious impairment to body function or serious dysfunction of any body organ or part or, with respect to a pregnant woman, as further defined in section 1867(e)(1)(B) of the Social Security Act, 42 U. S.C. section 1395dd(e)(1)(B).”

M.G.L. c. 175 § 47U, M.G.L. c. 176A § 8U, M.G.L. c. 176B § 4U, M.G.L. c. 176G § 5, M.G.L. c. 176I § 1, M.G.L. c. 176O, § 1.

If you have questions about external reviews relating to emergency medical conditions, please contact Nancy K. Ryan, Director of the Office of Patient Protection, at Nancy.K.Ryan@mass.gov or 617-274-1844.