

**Department of Planning and Budget
2012 Fiscal Impact Statement**

1. Bill Number: HB 398

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Hope, Patrick A.

3. Committee: Health, Welfare and Institutions

4. Title: Radiology benefits managers; decision to deny physician's order for diagnostic radiology test

5. Summary: The proposed legislation requires that any decision by a radiology benefits manager to deny a treating physician's order or recommendation for a diagnostic radiology test be made by a physician. An authorization to perform a diagnostic radiology test given by a health carrier or by a radiology benefits manager shall be conclusive to satisfy any requirement of medical necessity in a health benefit plan or a health carrier's plan, policy, or schedule of benefits. A managed care health insurance utilization review entity's utilization review plan is required to include a provision designed to ensure that adverse determinations by a radiology benefits manager are made by a licensed physician. Any person who countermands the treatment order or recommendation of a treating physician for a diagnostic radiology test by any means or manner that is intended to influence the patient to refuse a recommended diagnostic radiology test or to elect to receive a different service than the diagnostic radiology test ordered or recommended by the treating physician shall be deemed to be practicing medicine.

6. Budget Amendment Necessary: No

7. No Fiscal Impact

8. Fiscal Implications: None

9. Specific Agency or Political Subdivisions Affected: Department of Health Professions

10. Technical Amendment Necessary: No

11. Other Comments: None

Date: 1/13/12

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