

SUBCHAPTER 29. EXTERNAL REVIEW REGULATIONS

365:10-29-1. Purpose

The purpose of this subchapter is to set forth rules regarding external review regulations as authorized by the Uniform Health Carrier External Review Act ("the Act"), 36 O.S. § 6475.1 et seq. The general purposes of the Act and this Subchapter are to provide uniform standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination, as defined in the Act.

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-2. Applicability and scope

This Subchapter shall apply to all health carriers, except as excluded from the Act by 36 O.S. § 6475.4(B).

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-3. Definitions

For the purpose of this Subchapter, all terms shall have the meanings set forth in 36 O.S. § 6475.3.

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-4. Notice of right to an external review and external review procedures

A health carrier providing notification of the right of a covered person to request an external review pursuant to 36 O.S. § 6475.5(A) shall either provide the notice contained in Appendix PP or provide a notice no longer than two pages which includes substantially similar language in a font size no smaller than 10 point.

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-5. Authorization to disclose protected health information

A health carrier providing an authorization form to a covered person regarding the disclosure of protected health information pursuant to 36 O.S. § 6475.5(B)(3) shall either provide the form as set out in the Oklahoma State Department of Health Standard Authorization, ODH 206, which may be accessed at [http://www.ok.gov/health/Organization/HIPAA Privacy Rules/Oklahoma Standard Authorization on forms.html](http://www.ok.gov/health/Organization/HIPAA%20Privacy%20Rules/Oklahoma%20Standard%20Authorization%20on%20forms.html), or, in the alternative, a form that complies with 45 CFR § 164.508 and 43A O.S. § 1-109.

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-6. External review requests

A covered person or authorized representative requesting an external review pursuant to 36 O.S. § 6475.6 shall do so by submission of the External Review Request Form as set out in Appendix QQ.

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-7. Notice of initial determination

A notice of initial determination issued pursuant to Section 6475.8(C), 6475.9(B), 6475.10(A), or 6475.10(C) of Title 36 shall, in addition to providing notice of a right to appeal external review ineligibility to the Commissioner, provide that appeals shall be made in writing to the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th Street, Suite 100, Oklahoma City, OK, 73112-4511.

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-8. Independent review organization application

An independent review organization seeking approval to conduct external reviews pursuant to 36 O.S. § 6475.12(D) shall submit the application in Appendix RR as instructed, including all materials required by the application. Approval by this application will be effective until December 31 of the calendar year following the year of receipt for all new applications, and for two years following the expiration of the current approval for all renewals.

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-9. Independent review organization recordkeeping and reporting requirements

Each independent review organization approved to conduct external reviews pursuant to 36 O.S. § 6475.12(D) shall maintain written records for the information required by 36 O.S. § 6475.15(A)(3) and Appendix SS, and shall submit Appendix SS within 31 calendar days of the end of each calendar year.

[Added at 29 Ok Reg 1262, eff 7-14-12]

365:10-29-10. Health carrier recordkeeping and reporting requirements

Each health carrier subject to the Act shall maintain written records for the information required by 36 O.S. § 6475.15(B)(3) and Appendix TT, and each health carrier that has received at least one external review request during the calendar year shall submit Appendix TT within 31 calendar days of the end of each calendar year.

[Added at 29 Ok Reg 1262, eff 7-14-12]