

Secretary of the State File Number

6236

Regulation of the
Department of Insurance
Concerning

External Review Time Frames

Regulations adopted after July 1, 2013, become effective upon posting to the Connecticut eRegulations System, or at a later date if specified within the regulation.

Posted to the Connecticut eRegulations System on **February 3, 2017**

EFFECTIVE DATE

February 3, 2017

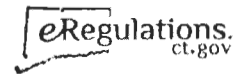
Approved by the Attorney General on
November 21, 2016

Approved by the Legislation Regulation Review Committee on
January 24, 2017

Electronic copy with agency head certification statement electronically submitted to and received by the Office of the Secretary of the State on
January 25, 2017

The text of this approved regulation will be published in the Connecticut Law Journal

Form ICM-ECOPY (NEW 6/2015)
State of Connecticut
Secretary of the State



IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES
This form should be used only for regulations first noticed *on and after* March 23, 2015.

Electronic Copy Certification Statement

(Submitted in accordance with the provisions of section 4-172 of the Connecticut General Statutes)

Regulation of the
Insurance Department
Concerning
External Review Time Frame

Approved by the Legislative Regulation Review Committee: **January 24, 2017**

eRegulations System Tracking Number: **PR-2016-059**

I hereby certify that the electronic copy of the above-referenced regulation submitted herewith to the Secretary of the State is a true and accurate copy of the regulation approved in accordance with sections 4-169 and 4-170 of the *Connecticut General Statutes*.

And I further certify that in accordance with the approval of Legislative Regulation Review Committee, all required technical corrections, page substitutions and deletions, if any, have been incorporated into said regulation.

In testimony whereof, I have hereunto
set my hand on **January 25, 2017**.

Katharine L. Wade
Commissioner
Insurance Department

**State of Connecticut
Regulation of
Insurance Department
Concerning
External Review Time Frame**

Section 38a-591-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 38a-591-8. Notice to enrollees

(a) Each health carrier that submits notices to a covered person or the covered person's authorized representative pursuant to section 38a-591d of the Connecticut General Statutes, including adverse determinations that involve a rescission, shall include with the Notice of Adverse Determination a description of the health carrier's procedures for initiating an internal grievance of an adverse determination including the procedures for requesting an expedited review. Such notification shall also include the procedures for filing an external review and an expedited external review.

(b) Each health carrier that submits a notice to a covered person or the covered person's authorized representative pursuant to section 38a-591e of the Connecticut General Statutes shall include with the Notice of a Grievance Decision that upholds the adverse determination a description of the health carrier's procedures for initiating any remaining internal grievance rights including the procedures for requesting an expedited review. If the Notice of a Grievance Decision that upholds the adverse determination is the final adverse determination, or if the notice is issued due to the health carrier's failure to strictly adhere to the requirements of section 38a-591e(f)(1) of the Connecticut General Statutes, the notice shall also include a statement that all internal appeals have been exhausted. Such notice shall include the procedure for filing an external review and an expedited external review, as well as a copy of the external review application and a consumer guide to the external review process. The commissioner shall develop and make available to health carriers the external review application and consumer guide to the external review process. A copy of the external review application and consumer guide shall also be made available from the health carrier to a covered person or the covered person's authorized representative, upon request.

(c) For purposes of triggering the filing period for an external review request or an expedited external review request under section 38a-591g(e) of the Connecticut General Statutes, notice of an adverse determination or a final adverse determination shall be deemed to have been received by the covered person or the covered person's authorized representative five (5) calendar days after the notice is mailed.

R-39 Rev. 02/2012

Statement of Purpose

The purpose is to clarify when “received” will be deemed to have occurred for purposes of triggering the external review filing period.

IMPORTANT NOTICE FOR CONNECTICUT STATE AGENCIES

This form is to be used for proposed permanent and technical amendment regulations only and must be completed in full.

AGENCY CERTIFICATION**Insurance Department**

Proposed Regulation Concerning

External Review Time FrameeRegulations System Tracking Number **PR2016-059****I hereby certify the following:**

(1) The above-referenced **regulation** is proposed pursuant to the following statutory authority or authorities: **CGS Section 38a-591.**

For technical amendment regulations proposed without a comment period, complete #2 below, then skip to #8.

(2) As permitted by Section 4-168(h) of the *Connecticut General Statutes*, the agency elected to proceed without prior notice or hearing and posted the text of the proposed technical amendment regulation on eRegulations System website on _____.

For all other non-emergency proposed regulations, complete #3 - #7 below, then complete #8)

(3) The agency posted notice of intent with a specified comment period of not less than 30 days to the eRegulations System website on **October 7, 2016.**

(4) *(Complete one)* No public hearing held or was required to be held. **OR** One or more public hearings were held on: **<<select and enter dates>>.**

(5) The agency posted notice of decision to move forward with the proposed regulation to the eRegulations System website on **November 8, 2016.**

(6) *(Complete one)* No comments were received. **OR** Comments were received and the agency posted the statements specified in subdivisions (2) and (3) of CGS Section 4-168(e) to the eRegulations System website on **<<select and enter date>>.**

(7) The final wording of the proposed regulation was posted to the eRegulations System website on **October 7, 2016.**

(8) Subsequent to approval for legal sufficiency by the Attorney General and approval by the Legislative Regulation Review Committee, **the final regulation shall be effective**

(Check one and complete as applicable)

When posted to the eRegulations System website by the Secretary of the State.

OR On _____

(Date must be a specific calendar date not less than 11 days after submission to the Secretary of the State)

Katherine L. Wade
SIGNED
*(Head of Board, Agency or Commission,
or duly authorized deputy)*

Commissioner
OFFICIAL TITLE

11/8/16
DATE

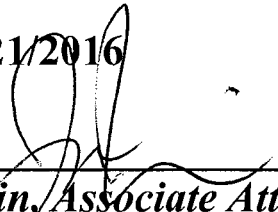
**OFFICE OF THE ATTORNEY GENERAL
REGULATION CERTIFICATION**

Agency Insurance Department

REGULATION NUMBER PR2016-59

This Regulation is hereby APPROVED by the Attorney General as to legal sufficiency in accordance with Connecticut General Statutes Section 4-169.

DATE: 11/21/2016

**Signed:  _____
*Joseph Rubin, Associate Attorney General
Duly Authorized***

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Paul Doyle
Senate Chair



Representative Christie Carpino
House Chair

Official Record of Committee Action

January 24, 2017

Agency: Insurance Department
Description: EXTERNAL REVIEW TIME FRAME
LRRC Regulation Number: 2016-031
eRegulation Tracking Number: PR2016-059

The above-referenced regulation has been

Approved with Technical Corrections

by the Legislative Regulation Review Committee in accordance
with CGS Section 4-170.

Richard Eighme
Administrator



State of Connecticut
Office of the Secretary of the State

Confirmation of Electronic Submission

Re: Regulation of the Insurance Department concerning External Review Time
Frames
eRegulations System Tracking Number PR2016-059
Legislative Regulation Review Committee Docket Number 2016-031

The above-referenced regulation was electronically submitted to the Office of the Secretary of the State in accordance with Connecticut General Statutes Section 4-172 on January 25, 2017.

Said regulation is assigned Secretary of the State File Number 6236.

The effective date of this regulation is February 3, 2017.

A handwritten signature in black ink that reads "Denise W. Merrill".

Denise W. Merrill
Secretary of the State
February 3, 2017

By:

/s/ Kristin M. Karr

Kristin M. Karr
Administrative Law
Information Systems Manager