

SPECIALTY AS THE TREATMENT UNDER REVIEW; OR

(II) ACTIVELY PRACTICING, OR HAS DEMONSTRATED EXPERTISE, IN THE ALCOHOL, DRUG ABUSE, OR MENTAL HEALTH SERVICE OR TREATMENT UNDER REVIEW; AND

(2) NOT COMPENSATED BY THE PRIVATE REVIEW AGENT IN A MANNER THAT PROVIDES A FINANCIAL INCENTIVE DIRECTLY OR INDIRECTLY TO DENY OR REDUCE COVERAGE.

(D) IF A COURSE OF TREATMENT HAS BEEN PREAUTHORIZED OR APPROVED FOR A PATIENT, A PRIVATE REVIEW AGENT MAY NOT REVISE OR MODIFY THE SPECIFIC CRITERIA OR STANDARDS USED FOR THE UTILIZATION REVIEW TO REDUCE INSURANCE COVERAGE FOR THE SERVICES DELIVERED TO THAT PATIENT.

(E) (1) IN THE EVENT A PATIENT OR HEALTH CARE PROVIDER, INCLUDING A PHYSICIAN, INTERMEDIATE CARE FACILITY DESCRIBED UNDER § 8-403(E) OF THIS ARTICLE, OR HOSPITAL SEEKS RECONSIDERATION OR APPEAL OF AN ADVERSE DECISION BY A PRIVATE REVIEW AGENT, THE FINAL DETERMINATION TO DENY OR REDUCE COVERAGE SHALL BE MADE BASED ON THE PROFESSIONAL JUDGMENT OF A PHYSICIAN, OR A PANEL OF OTHER APPROPRIATE HEALTH CARE PROVIDERS WITH AT LEAST 1 PHYSICIAN, SELECTED BY THE PRIVATE REVIEW AGENT WHO IS:

(I) 1. BOARD CERTIFIED OR ELIGIBLE IN THE SAME SPECIALTY OR ~~SUBSPECIALTY~~ AS THE TREATMENT UNDER REVIEW; OR

2. ~~ACTIVELY PRACTICING IN THE SAME OR SIMILAR CLINICAL SETTING AS THE CLINICAL SETTING FOR THE OR HAS DEMONSTRATED EXPERTISE IN THE ALCOHOL, DRUG ABUSE, OR MENTAL HEALTH SERVICE OR TREATMENT UNDER REVIEW; OR AND~~

3. ~~CERTIFIED OR ELIGIBLE FOR CERTIFICATION BY THE AMERICAN SOCIETY OF ADDICTION MEDICINE; AND~~

(II) NOT COMPENSATED BY THE PRIVATE REVIEW AGENT IN A MANNER THAT PROVIDES A FINANCIAL INCENTIVE DIRECTLY OR INDIRECTLY TO DENY OR REDUCE COVERAGE.

(2) IN THE EVENT A PATIENT OR HEALTH CARE PROVIDER, INCLUDING A PHYSICIAN, INTERMEDIATE CARE FACILITY DESCRIBED UNDER § 8-403(E) OF THIS ARTICLE, OR HOSPITAL SEEKS RECONSIDERATION OR APPEAL OF AN ADVERSE DECISION BY A PRIVATE REVIEW AGENT, THE FINAL DETERMINATION TO DENY OR REDUCE COVERAGE SHALL BE STATED IN WRITING AND SHALL REFERENCE THE SPECIFIC CRITERIA AND STANDARDS, INCLUDING INTERPRETIVE GUIDELINES, UPON WHICH THE DENIAL OR REDUCTION IN COVERAGE IS BASED.