

~~6. PROFESSIONAL OFFICE; OR~~

~~7. ANY OTHER ENTITY LICENSED OR AUTHORIZED BY LAW TO PROVIDE OR DELIVER PROFESSIONAL HEALTH CARE SERVICES THROUGH OR ON BEHALF OF A PROVIDER.~~

~~(B) "THERAPEUTIC SERVICES" MEANS ANY MEDICAL OR SURGICAL SERVICE OR PROCEDURE THAT A PROVIDER CAN USE TO TREAT A HUMAN DISEASE OR DISORDER.~~

~~(B) (1) THIS SECTION APPLIES TO ANY CARRIER THAT PROVIDES HEALTH CARE SERVICES TO ENROLLEES OR OTHERWISE MAKES HEALTH CARE SERVICES AVAILABLE TO ENROLLEES THROUGH CONTRACTS WITH PROVIDERS.~~

~~(2) THIS SECTION DOES NOT AFFECT THE RIGHT OF AN ENROLLEE TO APPEAL ANY ADVERSE DECISION BY A CARRIER THROUGH THE CARRIER'S APPEALS PROCESS.~~

~~(C) (1) A CARRIER SHALL DISCLOSE TO PROVIDERS, ENROLLEES, AND PROSPECTIVE ENROLLEES THE CARRIER'S DEFINITION OF "EXPERIMENTAL MEDICAL CARE", AS REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION.~~

~~(2) THE CARRIER SHALL DISCLOSE THE DEFINITION IN:~~

~~(I) CONTRACTS OFFERED TO PROVIDERS THAT MAY RENDER DIRECT HEALTH CARE SERVICES TO THE ENROLLEES OF THE CARRIER; AND~~

~~(II) MARKETING MATERIALS AND ENROLLMENT MATERIALS OF THE CARRIER THAT ARE PROVIDED TO CURRENT ENROLLEES AND PROSPECTIVE ENROLLEES.~~

~~(3) THE DEFINITION SHALL INCLUDE THE GENERAL CRITERIA AND PROCESS THAT THE CARRIER FOLLOWS FOR INDIVIDUAL ENROLLEES OR FOR THE ENTIRE ENROLLED POPULATION IN EVALUATING WHETHER EMERGING MEDICAL AND SURGICAL TREATMENTS WILL BE COVERED OR PAID FOR BY THE CARRIER.~~

~~(4) THE DEFINITION SHALL BE BINDING ON THE CARRIER, ENROLLEES, AND PROVIDERS FOR THE PURPOSE OF RESOLVING DISPUTES THAT ARISE OVER WHETHER A MEDICAL OR SURGICAL TREATMENT IS OR IS NOT EXPERIMENTAL, AND THEREFORE, COVERED AND PAID FOR BY THE CARRIER.~~

~~(D) (1) EACH CARRIER SHALL ESTABLISH A SYSTEMATIC, SCIENTIFIC PROCESS TO FOLLOW FOR EVALUATING EMERGING MEDICAL AND SURGICAL TREATMENTS TO ENSURE THAT PROVIDERS AND ENROLLEES HAVE ACCESS TO THE LATEST APPROPRIATE TREATMENTS.~~

~~(2) THE PROCESS SHALL INCLUDE:~~

~~(I) ONGOING ANALYSES BY THE MEDICAL DIRECTOR OF THE CARRIER AND THE MEDICAL POLICY STAFF OF THE CARRIER OF PUBLISHED, PEER-REVIEWED MEDICAL LITERATURE, AND THE FINDINGS AND PUBLICATIONS OF STATE AND FEDERAL AGENCIES; AND~~