

(2) AFFECT THE RIGHT OF AN ENROLLEE TO APPEAL ANY ADVERSE DECISION BY A CARRIER THROUGH THE CARRIER'S APPEAL PROCESS.

(D) (1) EACH CARRIER SHALL DISCLOSE TO PROVIDERS, ENROLLEES, AND PROSPECTIVE ENROLLEES PROVIDERS AND ENROLLEES THE CARRIER'S DEFINITION OF "EXPERIMENTAL MEDICAL CARE".

(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, AS APPROPRIATE.

(3) ~~THE DEFINITION:~~

(I) ~~SHALL INCLUDE THE GENERAL CRITERIA AND PROCESS THAT THE CARRIER FOLLOWS FOR INDIVIDUAL ENROLLEES OR FOR THE ENTIRE ENROLLED POPULATION IN EVALUATING WHETHER AN EMERGING MEDICAL OR SURGICAL TREATMENT WILL BE COVERED BY THE CARRIER, AND~~

(II) ~~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 BY THE CARRIER.~~

(E) (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~~

(II) ~~ONGOING DIALOGUE WITH OTHER CLINICAL EXPERTS IN THE MEDICAL COMMUNITY FOR THE PURPOSE OF EVALUATING WHETHER EMERGING MEDICAL OR SURGICAL TREATMENTS HAVE BECOME AN APPROPRIATE STANDARD OF CARE FOR SPECIFIED HUMAN DISEASES OR DISORDERS.~~

(3) ~~THE CARRIER SHALL IDENTIFY LEADING CLINICAL EXPERTS IN RECOGNIZED MEDICAL AND SURGICAL SPECIALITIES AND SUBSPECIALITIES FOR THE PURPOSE OF HAVING THE CLINICAL EXPERTS PROVIDE THE CARRIER WITH DIALOGUE ON AND ANALYSES OF THE STATUS OF EMERGING MEDICAL AND SURGICAL TREATMENTS.~~

(4) ~~THE CLINICAL EXPERTS IDENTIFIED BY THE CARRIER:~~