

PROVIDED OR TO BE PROVIDED TO A MEMBER IS MEDICALLY NECESSARY, APPROPRIATE, OR EFFICIENT, THE COMMISSIONER MAY SELECT AND ACCEPT AND BASE THE FINAL DECISION ON A COMPLAINT ON THE PROFESSIONAL JUDGMENT OF AN INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT.

(B) TO ENSURE ACCESS TO ADVICE WHEN NEEDED, THE COMMISSIONER, IN CONSULTATION WITH THE SECRETARY OF HEALTH AND MENTAL HYGIENE AND CARRIERS, SHALL COMPILE A LIST OF INDEPENDENT REVIEW ORGANIZATIONS OR AND MEDICAL EXPERTS.

(C) ANY EXPERT REVIEWER ASSIGNED BY AN INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT SHALL BE A PHYSICIAN OR OTHER APPROPRIATE HEALTH CARE PROVIDER WHO MEETS THE FOLLOWING MINIMUM REQUIREMENTS:

(1) BE AN EXPERT IN THE TREATMENT OF THE MEMBER'S MEDICAL CONDITION, AND KNOWLEDGEABLE ABOUT THE RECOMMENDED HEALTH CARE SERVICE OR TREATMENT THROUGH ACTUAL CLINICAL EXPERIENCE;

(2) HOLD:

(I) A NONRESTRICTED LICENSE IN A STATE OF THE UNITED STATES; AND

(II) IN ADDITION, FOR PHYSICIANS, A CURRENT CERTIFICATION BY A RECOGNIZED AMERICAN MEDICAL SPECIALTY BOARD IN THE AREA OR AREAS APPROPRIATE TO THE SUBJECT OF REVIEW; AND AND

(3) HAVE NO HISTORY OF DISCIPLINARY ACTIONS OR SANCTIONS, INCLUDING, LOSS OF STAFF PRIVILEGES OR PARTICIPATION RESTRICTIONS THAT HAVE BEEN TAKEN OR ARE PENDING BY ANY HOSPITAL, GOVERNMENTAL AGENCY OR UNIT, OR REGULATORY BODY THAT THE COMMISSIONER, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER, CONSIDERS RELEVANT IN MEETING THE REQUIREMENTS OF THIS SUBSECTION; AND

(4) IN REVIEWING A COMPLAINT FOR THE COMMISSIONER UNDER THIS SECTION, USE THE STANDARD OF CARE THAT IS APPROPRIATE FOR THE GEOGRAPHIC AREA IN WHICH THE COMPLAINT ARISES.

(D) AN INDEPENDENT REVIEW ORGANIZATION MAY NOT BE A SUBSIDIARY OF, OR IN ANY WAY OWNED OR CONTROLLED BY, A HEALTH BENEFIT PLAN, OR A TRADE ASSOCIATION OF HEALTH BENEFIT PLANS OR A TRADE ASSOCIATION OF HEALTH CARE PROVIDERS.

(E) IN ADDITION TO SUBSECTION (D) OF THIS SECTION, TO BE INCLUDED ON THE LIST COMPILED UNDER SUBSECTION (B) OF THIS SECTION, AN INDEPENDENT REVIEW ORGANIZATION SHALL SUBMIT TO THE COMMISSIONER THE FOLLOWING INFORMATION:

(1) IF THE INDEPENDENT REVIEW ORGANIZATION IS A PUBLICLY HELD ORGANIZATION, THE NAMES OF ALL STOCKHOLDERS AND OWNERS OF MORE THAN 5% OF ANY STOCK OR OPTIONS OF THE INDEPENDENT REVIEW ORGANIZATION;