

## WHAT CLINICIANS NEED TO KNOW

Legislation was signed in April 2022 through the support of the MSMS-initiated and led Health Can't Wait, a coalition with more than 50 healthcare, clinician, and patient advocacy organizations. This legislation puts more control back in the hands of clinicians and patients.

Public Act 60 of 2022 provides prior authorization (PA) reform with the goal of a quicker, more effective, and more transparent process. It does not repeal PA.

All provisions will be fully in effect as of **June 1, 2023**, including major components such as electronic submission and faster timelines.

These reforms apply to health care insurers (and their contracted third-party vendors) and healthcare professionals whose beneficiaries/patients have commercial insurance policies regulated by the Michigan Department of Insurance and Financial Services. **They do not impact Medicaid, Medicare, Medicare Advantage, or self-funded plans.**

Check insurers' provider news, updates, portals, etc. to learn of any new processes related to online submission, appeals, eligibility, and PA requirements related to the law's implementation.

**Please review the key provisions below for additional details and requirements.**

### Electronic Submissions

#### Beginning June 1, 2023:

- Insurers **must provide** an online method through which practitioners can electronically submit PA requests for any benefits requiring PA, including prescription drugs. Facsimiles do not count as an acceptable method.
- Physicians and other health care professionals **must submit** PA requests electronically. The only exception is for a temporary technological or electrical failure.

### Timeliness of Decisions

	Urgent		Non-Urgent	
	Timeframe	Considered Granted	Timeframe	Considered Granted
<b>Beginning June 1, 2023</b>	Acted upon within 72 hours	Insurer fails to act after 72 hours	Within nine (9) calendar days	Insurer fails to act after nine (9) calendar days
<b>After May 1, 2024</b>	Acted upon within 72 hours	Insurer fails to act after 72 hours	Within seven (7) calendar days	Insurer fails to act after seven (7) calendar days
<b>Valid for</b>	A minimum of 60 days or the length of time that's clinically appropriate, whichever is longer			

NOTE: If you are requested to provide additional information, it is important to do so as quickly as possible as the turnaround time noted above will reset and the insurer will be required to make a determination following the receipt of the additional information within the prescribed timelines for urgent or non-urgent requests.

## Review by Peers

Puts conditions on health care practitioners reviewing appeals (e.g., no financial stake in decision, not involved in prior denial, etc.). Any adverse determinations regarding a PA request for a non-pharmacy benefit must be made by a licensed physician and by a physician or pharmacist for a pharmacy benefit. If a denial is appealed, the denial cannot be affirmed unless it has been reviewed by a licensed physician who is board-certified or eligible in the same specialty as the service provided. An exception is allowed if finding such an individual would delay a decision within the required timeframe. In this instance, a physician in a similar general specialty could be utilized.

## Clinical Validity

PA requirements must be based on peer-reviewed clinical review criteria. The criteria must:

- Take into account the needs of atypical patient populations and diagnoses.
- Reflect community standards of care.
- Ensure quality of care and access to needed health care services.
- Be evidence-based criteria.
- Be publicly available free of charge.
- Be sufficiently flexible to allow deviations from norms when justified on a case-by-case basis.
- Be evaluated and updated, if necessary, at least annually.

## Transparency

PA requirements, including amendments, must be publicly and conspicuously posted online within a specified time-line. Insurers are also required to submit an annual report to the Michigan Department of Insurance and Financial Services (DIFS) which must include aggregated trend data related to the insurer's PA practices and experience for the prior plan year. DIFS shall post an annual report with aggregated data by October 1 of each year.

In cases of PA denials, the health care professional must be notified of the reasons for the denial and related evidence-based criteria, their right to appeal, instructions on how to file the appeal, and any other documentation necessary to support the appeal.

## Gold Carding

Insurers are required to adopt a program that promotes the modification of certain PA requirements based on health care professionals' adherence to nationally recognized evidence-based medical guidelines and other quality guidelines.

**Health Can't Wait** is a coalition of patients, physicians, and health care providers dedicated to putting Michigan patients first and ending delays in patients' access to health care:

Allergy and Asthma Network  
Alliance for Patient Access  
AARP Michigan  
American Autoimmune Related Diseases Association  
American Cancer Society  
Cancer Action Network  
American College of Cardiology, Michigan Chapter  
American College of Physicians, Michigan Chapter  
American Diabetes Association  
American Lung Association in MI  
American Medical Association  
APTA Michigan

The Arc Michigan  
Berrien County Medical Society  
Calhoun County Cancer Control Coalition  
Epilepsy Foundation of Michigan  
Genesee County Medical Society  
Hemophilia Foundation of Michigan  
Henry Ford Medical Group  
Huron Valley Physicians Association  
Ingham County Medical Society  
International Myeloma Foundation  
Jackson County Medical Society  
Kent County Medical Society  
Macomb County Medical Society  
MI Academy of Family Physicians

MI Bioscience  
MI Chapter American Academy of Pediatrics  
MI Coalition for Affordable Prescriptions  
MI Council For Maternal & Child Health  
MI Dermatological Society  
MI Podiatric Medical Association  
MI Psychiatric Society  
MI Radiological Society  
MI Rheumatism Society  
MI Society of Anesthesiologists  
MI Society of Eye Physicians and Surgeons  
MI Society of Hematology & Oncology  
MI Society of Interventional Pain Physicians  
MI Society of Pathologists  
MI State Medical Society

Muskegon County Medical Society  
National Marrow Donor Program  
National Multiple Sclerosis Society, Michigan Chapter  
New Day Foundation for Families  
Oakland County Medical Society  
Saginaw County Medical Society  
Sickle Cell Disease Association of America - Michigan Chapter  
St. Clair County Medical Society  
Susan G. Komen  
UNIFIED - HIV Health and Beyond  
Washtenaw County Medical Society  
Wayne County Medical Society of Southeast Michigan

[www.healthcantwait.org](http://www.healthcantwait.org)