

APA-1
4/18

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control 420 Alabama Department of Public Health

Rule Number 420-5-6-.11

Rule Title Professional Staffing of Health Maintenance Organizations

 New XXX Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? No

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? n/a

Are all facts of the rulemaking process designed solely for the purpose of and so they have as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

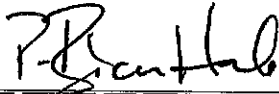
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of §41-22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of Certifying Officer



Date

2/18/19

420-5-6-.11 Professional Staffing Of Health Maintenance Organizations.

(1) Professional staff standards.

(a) A health maintenance organization shall have a sufficient number of physicians to adequately cover the health care needs of enrollees.

1. The health maintenance organization shall conduct an annual affirmative capacity analysis of availability of providers required to render covered services.

(b) For purposes of these Rules, the following definitions apply:

1. "Credentials" means certificates, diplomas, licenses, and other written documentation that establishes proof of training, education, and experience in a field of expertise based on national and state standards.

2. "Credentialing" means the process by which the health maintenance organization reviews and evaluates the qualifications of licensed independent practitioners and other providers of health care services to its enrollees. Eligibility is determined by the extent to which applicants meet defined requirements for education, licensure, professional standing, service availability, and accessibility, as well as for conformity to a health maintenance organization or applicant organization's quality and utilization management requirements.

3. "Credential Verification Organization" means an organization that has demonstrated the capability to perform primary source verification for any physician/provider on behalf of a health maintenance organization or applicant organization.

4. "Delegated Credentialing Organization" means a hospital, health care delivery network (for example, vision care, mental health, chiropractic), or independent practice association (IPA) of physicians that has demonstrated the capability to perform credentialing as defined above for a limited network of providers.

(c) There shall be established a credentials committee charged with the responsibility of reviewing each provider prior to contracting with the provider to determine that each provider is properly credentialed in Alabama. The credentials committee shall conduct annual reviews of each contracted provider for state licensure/controlled substance certificate; and, conduct a complete credentialing review every ~~3~~two years. All providers shall be recredentialed every ~~3~~two years.

1. The credentials committee shall assure appropriate licensure and certification of providers.

2. The health maintenance organization may delegate primary source verification to Alabama Department of Public Health approved credentialing verification organizations, delegated credentialing organizations, or both.

3. The health maintenance organization may rely upon the credentialing of approved delegates, with oversight, which must also be approved by the Alabama Department of Public Health.

4. Expired drug enforcement agency certificates and malpractice insurance should be updated between cycles as necessary.

(2) Medical director standards.

(a) A health maintenance organization shall identify a physician who shall serve as medical director of the Alabama health maintenance organization. A medical director must have a current license to practice medicine granted by the Medical Licensure Commission of Alabama. Alternately, an HMO may employ, for no longer than 12 months, an individual as medical director provided that the individual is eligible in all respects for licensure as an Alabama physician and the individual has a current active application for licensure on file with the Medical Licensure Commission of Alabama.

(b) The medical director shall be responsible for, at a minimum, the following:

1. General coordination of the medical care of the health maintenance organization on behalf of the health maintenance organization;

2. Implementation and oversight of protocols for quality improvement;

3. Implementation and oversight of quality improvement programs and continuing education requirements; and

4. Implementation and oversight of protocols for the credentials committee.

5. Oversight of medical necessity determinations.

(c) The time spent by the medical director in performing medical director functions shall not be counted in the physician-enrollee ratio required in (1)(a) above.

(3) The health maintenance organization shall define procedures for taking corrective action against any provider whose conduct is detrimental to public safety or the delivery of care, or disruptive to the operation of the health maintenance organization.

Author: Department of Public Health

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), et seq., 22-21-20, et seq., 27-21A-1, et seq.

History: Filed September 1, 1982. **Repealed and New Rule** adopted in lieu thereof: Filed March 31, 1987. **Amended:** Filed January 20, 1999; effective February 24, 1999. **Amended:** XX-XX-XXXX.