

34A-2-407.5 Rules regarding treatment protocols and determinations of medical necessity -- Contracts.

- (1) The commission may by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establish for purposes of health care goods and services compensable under this chapter and Chapter 3, Utah Occupational Disease Act, reasonable health care treatment protocols, that include determinations of medical necessity, and medical treatment and quality care guidelines that are:
 - (a) scientifically based;
 - (b) peer reviewed; and
 - (c) consistent with any general standards for health care treatment protocols that the commission establishes by rule.
- (2) Notwithstanding Subsection (1), the commission may authorize an insurer or employer to use all or part of reasonable health care treatment protocols, that include determinations of medical necessity, and medical treatment and quality care guidelines that are:
 - (a) scientifically based;
 - (b) peer reviewed; and
 - (c) consistent with any general standards for health care treatment protocols that the commission shall establish by rule.
- (3) Nothing in this section shall be construed to prevent:
 - (a) an insurer or employer from contracting with a provider of health services as permitted by Subsection 34A-2-111(2)(c)(i)(B)(VII);
 - (b) the commission from adjudicating disputes arising under the terms of this section; or
 - (c) a provider of health services from bringing to the commission a dispute arising under protocols, guidelines, or other terms of this section.

Enacted by Chapter 72, 2013 General Session