

**SENATE CONCURRENT RESOLUTION NO. 58**

An act by concurrent resolution and pursuant to Article IV, Section 8, Missouri Constitution, to disapprove Rule 20 CSR 500-6.700 and direct the Department of Insurance to promulgate an emergency rule and a proposed rule as required by Section 287.135, RSMo.

WHEREAS, in 1993, the General Assembly enacted Senate Bill No. 251 containing the provision now codified at Section 287.135, RSMo, which requires the Department of Insurance to promulgate rules to determine the criteria by which a workers' compensation insurer may reimburse fees charged by a managed care organization ("MCO"); and

WHEREAS, the Department of Insurance promulgated Rule 20 CSR 500-6.700 which would become effective thirty days after publication in the Code of State Regulations; and

WHEREAS, the Department of Insurance has filed proposed rulemakings on at least 7 occasions but have failed to finalize such proposed rulemakings with the filing of an order of rulemaking with the Joint Committee on Administrative Rules and the Secretary of State; and

WHEREAS, the Joint Committee on Administrative Rules has held at least two hearings on previous rules proposed by the Department; and

WHEREAS, nearly ten years have passed since the Department of Insurance was directed to promulgate rules to determine the criteria by which workers' compensation insurers may reimburse fees charged by managed care organizations; and

WHEREAS, numerous managed care organizations were organized for the purpose of providing services in workers' compensation matters; and

WHEREAS, workers' compensation insurers have denied claims for payment from managed care organizations due to the absence of the rule required pursuant to Section 287.135, RSMo; and

WHEREAS, numerous managed care organizations have suffered financial losses due to their denied claims for services; and

WHEREAS, the Joint Committee on Administrative Rules held a hearing on March 7, 2002, and by a unanimous vote disapproved Rule 20 CSR 500-6.700 and recommends that the General Assembly act to disapprove and suspend Rule 20 CSR 500-6.700; and

WHEREAS, the Joint Committee on Administrative Rules directed the Department of Insurance to promulgate an emergency rule and a proposed rule with a sunset of December 31, 2002, which would provide a mechanism to pay managed care organizations, including those whose claims have been denied since the passage of Senate Bill No. 251 in 1993, based on the absence of a rule as required pursuant to Section 287.135, RSMo; and

WHEREAS, the Department of Insurance agreed to abide by the directions of the Joint Committee on Administrative Rules relating to the promulgation of an emergency and proposed rule; and

WHEREAS, the Department of Insurance to date has failed and refused to abide by the directions of the Joint Committee on Administrative Rules relating to the promulgation of an emergency and proposed rule:

NOW, THEREFORE, BE IT RESOLVED, that the members of the Missouri Senate, Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby disapprove proposed Rule 20 CSR 500-6.700; and

BE IT FURTHER RESOLVED, that the General Assembly hereby directs the Department of Insurance to promulgate an emergency rule and a proposed rule with a sunset of December 31, 2002, which would provide a mechanism to pay managed care organizations, including those whose claims have been denied since the passage of Senate Bill No. 251 in 1993, based on the absence of a rule as required pursuant to Section 287.135, RSMo; and

BE IT FURTHER RESOLVED that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the revocation upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-first General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

BE IT FURTHER RESOLVED that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Unofficial  
Resolution  
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