

304.17A-605 Requirements and procedures for utilization review -- Exception for private review agent operating under contract with the federal government. (Effective January 1, 2028)

- (1) (a) Except as provided in paragraph (b) of this subsection, KRS 304.17A-600, 304.17A-603, 304.17A-605, 304.17A-607, 304.17A-609, 304.17A-611, 304.17A-613, and 304.17A-615 set forth the requirements and procedures regarding utilization review and shall apply to:
 1. Any insurer or its private review agent that provides or performs utilization review in connection with a health benefit plan or a limited health service benefit plan; and
 2. Any private review agent that performs utilization review functions on behalf of any person providing or administering health benefit plans or limited health service benefit plans.
- (b) KRS 304.17A-606 sets forth additional requirements for prior authorization and shall apply to:
 1. Any insurer or its private review agent that provides or performs utilization review in connection with a health benefit plan; and
 2. Any private review agent that performs utilization review functions on behalf of any person providing and administering health benefit plans.
- (2) Where an insurer or its agent provides or performs utilization review, and in all instances where internal appeals as set forth in KRS 304.17A-617 are involved, the insurer or its agent shall be responsible for:
 - (a) Monitoring all utilization reviews and internal appeals carried out by or on behalf of the insurer;
 - (b) Ensuring that all requirements of KRS 304.17A-600 to 304.17A-633 are met;
 - (c) Ensuring that all administrative regulations promulgated in accordance with KRS 304.17A-609, 304.17A-613, and 304.17A-629 are complied with; and
 - (d) Ensuring that appropriate personnel have operational responsibility for the performance of the insurer's utilization review plan.
- (3) A private review agent that operates solely under contract with the federal government for utilization review or patients eligible for hospital services under Title XVIII of the Social Security Act shall not be subject to the registration requirements set forth in KRS 304.17A-607, 304.17A-609, and 304.17A-613.

Effective: January 1, 2028

History: Amended 2026 Ky. Acts ch. 102, sec. 3, effective January 1, 2028. -- Amended 2002 Ky. Acts ch. 105, sec. 1, effective July 15, 2002. -- Created 2000 Ky. Acts ch. 262, sec. 3, effective July 14, 2000.

Legislative Research Commission Note (1/1/2028). 2026 Ky. Acts ch. 102, sec. 7, provides that the amendments to this statute in that Act shall apply to contracts delivered, entered, renewed, extended, or amended on or after January 1, 2028.