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**BULLETIN NO. 2010-09**

**TO:** All Admitted Health Insurers

**FROM:** Jim L. Ridling  
Commissioner of Insurance *JLR*

**DATE:** September 23, 2010

**EFFECTIVE:** September 23, 2010

**RE:** External Review Under the Affordable Care Act

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The Patient Protection and Affordable Care Act (PPACA) (Pub. L. 111-148), as amended, requires in Section 2719 that a group health plan and a health insurance issuer offering group or individual health insurance coverage must comply with state external review processes if that process includes, at a minimum, the consumer protections set forth in the Uniform External Review Model Act issued by the National Association of Insurance Commissioners. If state law does not meet these standards, group health plans and health insurance issuers must implement an external review process that meets minimum standards established by the Secretary of Health and Human Services (HHS).

Alabama does not have in place a statutory external review process meeting the requirements of PPACA. Effective September 23, 2010, group health plans and health insurance issuers in Alabama subject to PPACA must use the external review process as promulgated by interim final rule 45 C.F.R. 147 issued July 23, 2010, and subsequent technical guidance published by HHS on September 1, 2010.

The interim final rule, technical guidance, model notices, and the Notice of Privacy Act Statement for the external review process may be found at [www.hhs.gov/ociio/regulations/consumerappeals](http://www.hhs.gov/ociio/regulations/consumerappeals). The form of Notice of Privacy Act Statement for Issuers in States without External Review Laws must be used in Alabama.

JLR/KH/ss