

BY: Finance Committee

AMENDMENT TO SENATE BILL NO. 903

(First Reading File Bill)

On page 1, in line 2, after "Subscribers" insert "or Groups of Subscribers"; in line 5, after "subscribers" insert "or groups of subscribers"; strike beginning with "authorizing" in line 7 down through "extent;" in line 11; in line 11, after "Act;" insert "making provisions of this Act severable;"; in line 12, after "subscribers" insert "or groups of subscribers".

On page 2, strike in their entirety lines 19 through 24, inclusive.

On page 2, in line 28, after "Act" insert ", or to any matter in which a final written liability insurance settlement has been reached and payment made between a liability insurer and a claimant".

On page 2, in line 31, strike "March 10, 1997" and substitute "January 1, 1976".

On page 2, after line 31, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable."; and in line 32, strike "4." and substitute "5.".

On page 2, strike in their entirety lines 11 through 18, inclusive, and substitute:

"(D) NOTWITHSTANDING §19-701(F)(3) OF THIS SUBTITLE, A CONTRACT BETWEEN A HEALTH MAINTENANCE ORGANIZATION AND ITS SUBSCRIBERS OR A GROUP OF SUBSCRIBERS MAY CONTAIN A PROVISION ALLOWING THE HEALTH MAINTENANCE ORGANIZATION TO BE SUBROGATED TO A CAUSE OF ACTION THAT

(Over)

A SUBSCRIBER HAS AGAINST ANOTHER PERSON:

(1) TO THE EXTENT THAT ANY ACTUAL PAYMENTS MADE BY THE HEALTH MAINTENANCE ORGANIZATION RESULT FROM THE OCCURRENCE THAT GAVE RISE TO THE CAUSE OF ACTION; OR

(2) FOR A NONPROFIT HEALTH MAINTENANCE ORGANIZATION THAT EXCLUSIVELY CONTRACTS WITH A GROUP OF PHYSICIANS TO PROVIDE OR TO ARRANGE FOR THE PROVISION OF HEALTH CARE SERVICES FOR ITS ENROLLEES, FOR ANY SERVICE PROVIDED BY THE HEALTH MAINTENANCE ORGANIZATION AS A RESULT OF THE OCCURRENCE THAT GAVE RISE TO THE CAUSE OF ACTION, PER THE FEE SCHEDULE ESTABLISHED BY THE NONPROFIT HEALTH MAINTENANCE ORGANIZATION.”.