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By: **Chairman, Economic Matters Committee (Departmental - Insurance Administration, Maryland)**

Introduced and read first time: January 19, 2001

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 6, 2001

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CHAPTER 53

1 AN ACT concerning

2 **Health Insurance - Private Review Agents and Complaint Process**

3 FOR the purpose of clarifying that certain grievance decisions must be made by a  
4 physician who is board certified or eligible in the same specialty as the  
5 treatment under review under certain circumstances; applying certain  
6 provisions of the Insurance Article to health maintenance organizations under  
7 certain circumstances; requiring a health maintenance organization to comply  
8 with certain provisions of law; making a certain technical change concerning  
9 treatment plans for utilization review; providing for a delayed effective date;  
10 and generally relating to the qualifications of physicians who make grievance  
11 decisions and to the requirements in a treatment plan for utilization review.

12 BY repealing and reenacting, with amendments,  
13 Article - Health - General  
14 Section 19-706(y) and 19-729(a)(11)  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume)

17 BY adding to  
18 Article - Health - General  
19 Section 19-706(rr)  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume)

22 BY repealing and reenacting, with amendments,  
23 Article - Insurance

1 Section 15-10B-03(d)(2)(i), 15-10B-06(e)(1), and 15-10B-09.1  
2 Annotated Code of Maryland  
3 (1997 Volume and 2000 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Health - General**

7 19-706.

8 (y) The provisions of Title 15, Subtitles 10A [and], 10B, 10C, AND 10D of the  
9 Insurance Article shall apply to health maintenance organizations.

10 (RR) THE PROVISIONS OF § 15-1001 OF THE INSURANCE ARTICLE SHALL APPLY  
11 TO HEALTH MAINTENANCE ORGANIZATIONS.

12 19-729.

13 (a) A health maintenance organization may not:

14 (11) Fail to comply with the provisions of Title 15, Subtitle 10A, 10B, [or]  
15 10C, OR 10D or § 2-112.2 of the Insurance Article; or

16 **Article - Insurance**

17 15-10B-03.

18 (d) (2) (i) Subject to the provisions of subparagraph (iii) of this paragraph,  
19 the regulations adopted by the Commissioner shall include a uniform treatment plan  
20 form for utilization review of services for the treatment of a mental illness, emotional  
21 disorder, or a [drug abuse or alcohol] SUBSTANCE abuse disorder.

22 15-10B-06.

23 (e) (1) A private review agent that requires a health care provider to submit  
24 a treatment plan in order for the private review agent to conduct utilization review of  
25 proposed or delivered services for the treatment of a mental illness, emotional  
26 disorder, or a [drug abuse or alcohol] SUBSTANCE abuse disorder:

27 (i) shall accept the uniform treatment plan form adopted by the  
28 Commissioner under § 15-10B-03(d) of this subtitle as a properly submitted  
29 treatment plan form; and

30 (ii) may not impose any requirement to:

31 1. modify the uniform treatment plan form or its content; or

32 2. submit additional treatment plan forms.

1 15-10B-09.1.

2 A grievance decision shall be made based on the professional judgment of:

3 (1) (I) a [physician,] PHYSICIAN WHO IS BOARD CERTIFIED OR  
4 ELIGIBLE IN THE SAME SPECIALTY AS THE TREATMENT UNDER REVIEW; or

5 (II) a panel of other appropriate health care service reviewers with  
6 at least one physician on the panel who is board certified or eligible in the same  
7 specialty as the treatment under review;

8 (2) when the grievance decision involves a dental service, a licensed  
9 dentist, or a panel of appropriate health care service reviewers with at least one  
10 dentist on the panel who is a licensed ~~dentist~~ DENTIST, who shall consult with a  
11 dentist who is board certified or eligible in the same specialty as the service under  
12 review; or

13 (3) when the grievance decision involves a mental health or substance  
14 abuse [service,] SERVICE:

15 (I) a licensed[ physician, or] PHYSICIAN WHO:

16 1. IS BOARD CERTIFIED OR ELIGIBLE IN THE SAME  
17 SPECIALTY AS THE TREATMENT UNDER REVIEW; OR

18 2. IS ACTIVELY PRACTICING OR HAS DEMONSTRATED  
19 EXPERTISE IN THE SUBSTANCE ABUSE OR MENTAL HEALTH SERVICE OR  
20 TREATMENT UNDER REVIEW; OR

21 (II) a panel of other appropriate health care service reviewers with  
22 at least one physician, selected by the private review agent who:

23 [(i)] 1. is board certified or eligible in the same specialty as the  
24 treatment under review; or

25 [(ii)] 2. is actively practicing or has demonstrated expertise in the  
26 [alcohol, drug abuse,] SUBSTANCE ABUSE or mental health service or treatment  
27 under review.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
29 effect January 1, 2002.

