

SENATE BILL 451

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2004 Regular Session
4r2526
CF 4r2525

By: **Senators Astle and Stoltzfus**

Introduced and read first time: February 5, 2004

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 19, 2004

CHAPTER 278

1 AN ACT concerning

2 **Health Care Providers - Collection of Medicare ~~Copayments and~~**
3 **~~Deductibles~~ Approved or Limiting Amounts**

4 FOR the purpose of authorizing a health care provider to collect certain Medicare
5 ~~copayments and deductibles~~ approved or limiting amounts from individual
6 subscribers or enrollees when Medicare is the primary insurer and a health
7 maintenance organization is the secondary insurer; and generally relating to the
8 collection of Medicare ~~copayments and deductibles~~ approved or limiting
9 amounts by health care providers.

10 BY repealing and reenacting, without amendments,
11 Article - Health - General
12 Section 19-710(a)
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Health - General
17 Section 19-710(p)
18 Annotated Code of Maryland
19 (2000 Replacement Volume and 2003 Supplement)

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

1 **Article - Health - General**

2 19-710.

3 (a) To qualify for a certificate of authority to operate as a health maintenance
4 organization, an applicant shall satisfy the Commissioner that the applicant will
5 meet the requirements of this section.

6 (p) (1) Except as provided in paragraph (3) of this subsection, individual
7 enrollees and subscribers of health maintenance organizations issued certificates of
8 authority to operate in this State shall not be liable to any health care provider for
9 any covered services provided to the enrollee or subscriber.

10 (2) (i) A health care provider or any representative of a health care
11 provider may not collect or attempt to collect from any subscriber or enrollee any
12 money owed to the health care provider by a health maintenance organization issued
13 a certificate of authority to operate in this State.

14 (ii) A health care provider or any representative of a health care
15 provider may not maintain any action against any subscriber or enrollee to collect or
16 attempt to collect any money owed to the health care provider by a health
17 maintenance organization issued a certificate of authority to operate in this State.

18 (3) Notwithstanding any other provision of this subsection, a health care
19 provider or representative of a health care provider may collect or attempt to collect
20 from a subscriber or enrollee:

21 (i) Any copayment or coinsurance sums owed by the subscriber or
22 enrollee to a health maintenance organization issued a certificate of authority to
23 operate in this State for covered services provided by the health care provider; [or]

24 ~~(ii) ANY MEDICARE COPAYMENT OR DEDUCTIBLE OWED BY THE~~
25 ~~SUBSCRIBER OR ENROLLEE TO A HEALTH CARE PROVIDER OR A REPRESENTATIVE~~
26 ~~OF A HEALTH CARE PROVIDER FOR COVERED SERVICES PROVIDED BY THE HEALTH~~
27 ~~CARE PROVIDER WHEN MEDICARE IS THE PRIMARY INSURER AND A HEALTH~~
28 ~~MAINTENANCE ORGANIZATION IS THE SECONDARY INSURER; OR~~

29 (ii) IF MEDICARE IS THE PRIMARY INSURER AND A HEALTH
30 MAINTENANCE ORGANIZATION IS THE SECONDARY INSURER, ANY AMOUNT UP TO
31 THE MEDICARE APPROVED OR LIMITING AMOUNT, AS SPECIFIED UNDER THE SOCIAL
32 SECURITY ACT, THAT IS NOT OWED TO THE HEALTH CARE PROVIDER BY MEDICARE
33 OR THE HEALTH MAINTENANCE ORGANIZATION AFTER COORDINATION OF
34 BENEFITS HAS BEEN COMPLETED, FOR MEDICARE COVERED SERVICES PROVIDED TO
35 THE SUBSCRIBER OR ENROLLEE BY THE HEALTH CARE PROVIDER; OR

36 [(ii)] (iii) Any payment or charges for services that are not covered
37 services.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
39 effect October 1, 2004.

