

SENATE BILL 869

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5lr3029
CF HB 562

By: **Senators Edwards and Serafini**

Introduced and read first time: February 27, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Ambulance Service Providers – Direct Reimbursement –**
3 **Repeal of Termination Date**

4 FOR the purpose of repealing the termination date of certain provisions of law relating to
5 direct reimbursement by health insurers, nonprofit health service plans, and health
6 maintenance organizations for transportation by ambulance; and generally relating
7 to direct reimbursement of ambulance service providers under health insurance.

8 BY repealing and reenacting, without amendments,
9 Article – Insurance
10 Section 15–138
11 Annotated Code of Maryland
12 (2011 Replacement Volume and 2014 Supplement)

13 BY repealing and reenacting, with amendments,
14 Chapter 425 of the Acts of the General Assembly of 2011
15 Section 4

16 BY repealing and reenacting, with amendments,
17 Chapter 426 of the Acts of the General Assembly of 2011
18 Section 4

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

21 **Article – Insurance**

22 15–138.

23 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) “Ambulance” means any conveyance designed and constructed or
2 modified and equipped to be used, maintained, or operated to transport individuals who
3 are sick, injured, wounded, or otherwise incapacitated.

4 (3) “Ambulance service provider” means a provider of ambulance services
5 that:

6 (i) is owned, operated, or under the jurisdiction of a political
7 subdivision of the State or a volunteer fire company or volunteer rescue squad; or

8 (ii) has contracted to provide ambulance services for a political
9 subdivision of the State.

10 (4) “Assignment of benefits” means the transfer by an insured, a
11 subscriber, or an enrollee of health care coverage reimbursement benefits or other rights
12 under a health insurance policy or contract.

13 (5) “Carrier” means:

14 (i) an insurer that provides benefits on an expense-incurred basis;

15 (ii) a nonprofit health service plan; or

16 (iii) a health maintenance organization.

17 (6) “Nonpreferred provider” has the meaning stated in § 14–201 of this
18 article.

19 (7) “Preferred provider” has the meaning stated in § 14–201 of this article.

20 (8) “Preferred provider insurance policy” has the meaning stated in §
21 14–201 of this article.

22 (b) This section applies to individual or group policies or contracts issued or
23 delivered in the State by a carrier.

24 (c) (1) Except for a health maintenance organization, a carrier shall reimburse
25 directly an ambulance service provider that obtains an assignment of benefits from an
26 insured, a subscriber, or an enrollee for covered services provided to the insured, subscriber,
27 enrollee, or any other individual covered by a policy or contract issued by the carrier.

28 (2) A health maintenance organization shall reimburse an ambulance
29 service provider directly for covered services provided to a subscriber, enrollee, or any other
30 individual covered by a policy or contract issued by the health maintenance organization.

31 (d) (1) This subsection applies to an ambulance service provider that receives
32 direct reimbursement under subsection (c) of this section.

1 (2) Except as provided in paragraph (4) of this subsection, an insured, a
2 subscriber, or an enrollee may not be liable to an ambulance service provider for covered
3 services.

4 (3) An ambulance service provider or a representative of the ambulance
5 service provider may not:

6 (i) collect or attempt to collect from an insured, a subscriber, or an
7 enrollee of a carrier any money owed to the ambulance service provider by the carrier for
8 covered services rendered to the insured, subscriber, or enrollee by the ambulance service
9 provider; or

10 (ii) maintain any action against an insured, a subscriber, or an
11 enrollee of a carrier to collect or attempt to collect any money owed to the ambulance service
12 provider by the carrier for covered services rendered to the insured, subscriber, or enrollee
13 by the ambulance service provider.

14 (4) An ambulance service provider or a representative of the ambulance
15 service provider may collect or attempt to collect from an insured, a subscriber, or an
16 enrollee of a carrier:

17 (i) any copayment, deductible, or coinsurance amount owed by the
18 insured, subscriber, or enrollee for covered services rendered to the insured, subscriber, or
19 enrollee by the ambulance service provider;

20 (ii) if Medicare is the primary insurer and the carrier is the
21 secondary insurer, any amount up to the Medicare-approved or limiting amount, as
22 specified under the federal Social Security Act, that is not owed to the ambulance service
23 provider by Medicare or the carrier after coordination of benefits has been completed, for
24 Medicare covered services rendered to the insured, subscriber, or enrollee by the ambulance
25 service provider; and

26 (iii) any payment or charge for services that are not covered services.

27 (e) (1) Notwithstanding § 19–710.1 of the Health – General Article, a health
28 maintenance organization’s allowed amount for a covered health care service provided by
29 an ambulance service provider that is not under written contract with the health
30 maintenance organization may not be less than the allowed amount paid to an ambulance
31 service provider that is under written contract with the health maintenance organization
32 for the same covered service in the same geographic region, as defined by the Centers for
33 Medicare and Medicaid Services.

34 (2) An insurer’s or nonprofit health service plan’s allowed amount for a
35 health care service covered under a preferred provider insurance policy and provided by an
36 ambulance service provider that is a nonpreferred provider may not be less than the
37 allowed amount paid to an ambulance service provider who is a preferred provider for the

1 same health care service in the same geographic region, as defined by the Centers for
2 Medicare and Medicaid Services.

3 (f) The Commissioner may adopt regulations to implement this section.

4 **Chapter 425 of the Acts of 2011**

5 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 January 1, 2012. [It shall remain effective for a period of 3 years and 6 months and, at the
7 end of June 30, 2015, with no further action required by the General Assembly, this Act
8 shall be abrogated and of no further force and effect.]

9 **Chapter 426 of the Acts of 2011**

10 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 January 1, 2012. [It shall remain effective for a period of 3 years and 6 months and, at the
12 end of June 30, 2015, with no further action required by the General Assembly, this Act
13 shall be abrogated and of no further force and effect.]

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
15 1, 2015.