

Article - Insurance

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§19–804.

(a) The order of preference for distribution from the Fund shall be as follows:

(1) disbursements from the Rate Stabilization Account to subsidize health care provider rates under § 19–805 of this subtitle;

(2) disbursements from the Medical Assistance Program Account sufficient to:

(i) pay for increased rates to health care providers identified under § 19–807(c)(2) of this subtitle; and

(ii) pay managed care organization health care providers identified under § 19–807(c)(2) of this subtitle consistent with the fee-for-service health care provider rate increases;

(3) disbursements to maintain the increase in health care provider reimbursements under § 19–807(c)(2) of this subtitle;

(4) disbursements to increase capitation payments to managed care organizations participating in the Maryland Medical Assistance Program consistent with § 15–103(b)(18) of the Health – General Article; and

(5) disbursements from the Medical Assistance Program Account to:

(i) increase fee-for-service health care provider rates under § 19–807 of this subtitle; and

(ii) pay managed care organization health care providers consistent with fee-for-service health care provider rates under § 19–807(c)(3) of this subtitle.

(b) Disbursements from the Rate Stabilization Account to a medical professional liability insurer may not exceed the amount necessary to provide a rate reduction, credit, or refund to health care providers.

(c) (1) Portions of the Rate Stabilization Account that exceed the amount necessary to pay for health care provider subsidies shall remain in the Rate Stabilization Account to be used:

(i) to pay for health care provider subsidies in calendar years 2006 through 2008; and

(ii) after the fiscal year 2009 allocation to the Rate Stabilization Account under § 19–803(b) of this subtitle, by the Medical Assistance Program Account

for the purposes specified under § 19–807(c) of this subtitle.

(2) Any disbursements from the Rate Stabilization Account to a medical professional liability insurer that is not used to provide a rate reduction, credit, or refund to a health care provider shall be returned to the State Treasurer for reversion to the Fund.

(d) A medical professional liability insurer shall reduce the subsidy paid to each health care provider electing to receive a subsidy if the balance of the Rate Stabilization Account is insufficient to pay health care provider subsidies.

(e) Notwithstanding subsection (c) of this section or any other provision of law, in fiscal year 2009, \$83,275,000 of the balance remaining in the Rate Stabilization Account at the end of fiscal year 2008 shall be transferred as follows:

(1) \$7,000,000 to the Medical Assistance Program Account, to be used by the Secretary to increase fee-for-service provider rates to dentists in fiscal year 2009;

(2) \$3,000,000 to the Health Care Coverage Fund established under Title 15, Subtitle 7 of the Health – General Article, to be used for allowable expenses in fiscal year 2009; and

(3) \$73,275,000 to the Health Care Coverage Fund established under Title 15, Subtitle 7 of the Health – General Article, to be used for allowable expenses in fiscal year 2010 and fiscal year 2011.

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