

SENATE BILL 871

J1, C3

9lr1170
CF 9lr1171

By: **Senators Pinsky, Benson, Carter, Guzzone, Lam, Lee, Nathan-Pulliam,
Rosapepe, Smith, Waldstreicher, Washington, and Young**

Introduced and read first time: February 7, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Healthy Maryland Program – Establishment**

3 FOR the purpose of establishing the Healthy Maryland Program as a public corporation
4 and a unit of State government; providing that the exercise by Healthy Maryland of
5 its authority under this Act is an essential government function; stating the findings
6 and intent of the General Assembly; providing for the construction and effect of this
7 Act; prohibiting Healthy Maryland and certain agencies and employees from
8 providing or disclosing certain information for certain purposes; prohibiting certain
9 law enforcement agencies from using certain funds, facilities, property, equipment,
10 and personnel to investigate, enforce, or assist in the investigation or enforcement of
11 certain violations and warrants; providing for the duties of Healthy Maryland;
12 establishing that Healthy Maryland is subject to certain provisions of law;
13 establishing the Healthy Maryland Board; providing for the duties of Board
14 members; establishing certain requirements and prohibitions for Board members
15 regarding conflicts of interest; prohibiting a member of the Board from being held
16 personally liable for certain actions taken as a member; establishing the powers and
17 duties of the Board; requiring the Board to appoint an Executive Director of Healthy
18 Maryland; establishing the powers and duties of the Executive Director; requiring
19 the Secretary of Budget and Management to perform certain functions relating to
20 the employment and contracting of staff for Healthy Maryland; providing that an
21 employee or independent contractor of Healthy Maryland is not subject to certain
22 laws, regulations, or executive orders; providing for the implementation of Healthy
23 Maryland; requiring the Board to provide a certain percentage of the annual budget
24 of Healthy Maryland to provide certain assistance to certain programs for a certain
25 time period; prohibiting a carrier from offering certain benefits and certain services;
26 authorizing certain carriers to offer certain benefits requiring that certain data be
27 reported to the Maryland Health Services Cost Review Commission; providing that
28 a certain provision of law does not impact certain provider reporting requirements;
29 establishing the Healthy Maryland Public Advisory Committee; establishing certain
30 requirements and prohibitions for Advisory Committee members regarding conflicts

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of interest; establishing the powers and duties of the Advisory Committee;
2 prohibiting a member of the Advisory Committee from being held personally liable
3 for certain actions taken as a member; establishing certain eligibility standards for
4 enrollment in Healthy Maryland; prohibiting certain participating providers from
5 engaging in certain conduct; authorizing certain institutions of higher education to
6 purchase certain coverage for certain individuals; establishing certain requirements
7 for certain employers and certain employees relating to the payment of certain
8 premiums; authorizing certain residents of the State to receive certain benefits
9 through certain employers and to opt out of participation in Healthy Maryland;
10 providing that certain contributions made by employers on behalf of certain
11 employees may not be abridged by this Act; authorizing certain persons to take
12 certain credits against certain premiums; providing for the distribution, application,
13 and amount of the credits; establishing the benefits covered under Healthy
14 Maryland; establishing that a certain physician or health care provider has a certain
15 approval under certain provisions of this Act and is authorized to establish a certain
16 diagnosis and assessment; requiring the Board to perform a certain evaluation in a
17 certain manner; authorizing health care providers and members of Healthy
18 Maryland to petition the Board for a certain purpose; providing for the manner in
19 which long-term services and supports are to be provided under Healthy Maryland;
20 establishing certain qualifications and requirements that must be met for health
21 care providers to participate in Healthy Maryland; authorizing and requiring
22 participating providers to provide certain services and take certain actions under
23 Healthy Maryland; authorizing a member of Healthy Maryland to receive certain
24 services from certain health care providers under certain circumstances; providing
25 for the enrollment with and withdrawal from certain health care delivery systems,
26 medical practices, and community providers for certain individuals and members of
27 Healthy Maryland; prohibiting certain entities from furnishing certain items and
28 services under certain circumstances; prohibiting participating providers from
29 taking certain actions; requiring that a certain contract contain certain provisions;
30 providing that a certain contract is null and void; prohibiting certain payments
31 under certain circumstances; prohibiting the Board from terminating a certain
32 participation agreement or from certain discrimination against certain individuals
33 under certain circumstances; authorizing a certain provider or authorized
34 representative of a provider to seek certain relief; prohibiting a certain employer
35 from terminating or otherwise discriminating against a certain employee under
36 certain circumstances; authorizing a certain employee to file a certain civil action;
37 providing that certain rights, privileges, and remedies may not be waived under
38 certain circumstances; establishing certain requirements for the payment of certain
39 services under Healthy Maryland; prohibiting participating providers from charging
40 certain rates and soliciting or accepting certain payment from certain persons for
41 certain health care services; establishing certain requirements for payment of
42 certain capital-related expenses; requiring the Board to pay a certain global budget
43 payment to a certain provider within a certain time period; prohibiting certain
44 payment amounts from taking into account certain factors; allowing certain
45 operating expenses of a certain provider to include certain costs; requiring Healthy
46 Maryland to engage in certain negotiations with certain representatives; requiring
47 the Board to establish a certain formulary; requiring the Board to establish certain

1 rates; prohibiting certain payments from taking into account, allowing, or including
2 any process for the provision of certain funding; requiring Healthy Maryland to have
3 a certain standard of health care for residents of the State; prohibiting certain
4 payments under Healthy Maryland from being calculated in a certain manner;
5 establishing certain requirements and duties for health care providers who
6 participate in Healthy Maryland; requiring the Board, on or before a certain date, to
7 apply for certain waivers of certain requirements and make certain arrangements
8 under certain programs for a certain purpose; authorizing the Board to take certain
9 actions relating to certain implementation for Healthy Maryland and certain
10 administration of Medicare in the State; establishing certain requirements for
11 Healthy Maryland regarding certain supplemental insurance coverage and certain
12 drug coverage; authorizing the Board to waive or modify the applicability of certain
13 provisions of this Act under certain circumstances; authorizing the Board to apply
14 for coverage for certain members of Healthy Maryland and enroll those members in
15 certain programs; requiring certain members of Healthy Maryland to enroll in
16 certain coverage as a condition of certain eligibility for certain health care services;
17 requiring members of Healthy Maryland to provide and authorize Healthy Maryland
18 to obtain certain information; authorizing the termination of coverage under Healthy
19 Maryland under certain circumstances; requiring Healthy Maryland to assume
20 responsibility for providing certain benefits and certain health care services in a
21 certain manner; establishing the Healthy Maryland Trust Fund as a special,
22 nonlapsing fund; authorizing certain health care providers to meet and communicate
23 for the purpose of collectively negotiating with Healthy Maryland on certain matters;
24 establishing certain rights and requirements relating to certain negotiations with
25 Healthy Maryland; requiring a certain representative to pay a certain fee to the
26 Board for a certain purpose; requiring the Board to set the fee at a certain amount;
27 prohibiting certain concerted action and the negotiation of certain agreements by
28 certain representatives; repealing the Board of Trustees of the Maryland Health
29 Benefit Exchange; requiring the Healthy Maryland Board to oversee the
30 administration of the Maryland Health Benefit Exchange under certain
31 circumstances; repealing a requirement that the Board of Trustees of the Maryland
32 Health Benefit Exchange appoint an Executive Director of the Exchange, with the
33 approval of the Governor, and determine certain compensation for the Executive
34 Director; requiring the Executive Director of Healthy Maryland to serve as the
35 Executive Director of the Maryland Health Benefit Exchange under certain
36 circumstances; making the provisions of this Act severable; defining certain terms;
37 and generally relating to Healthy Maryland.

38 BY adding to

39 Article – Health – General

40 Section 25–101 through 25–1204 to be under the new title “Title 25. Healthy
41 Maryland”

42 Annotated Code of Maryland

43 (2015 Replacement Volume and 2018 Supplement)

44 BY repealing and reenacting, with amendments,

45 Article – Insurance

1 Section 31–101(b)
 2 Annotated Code of Maryland
 3 (2017 Replacement Volume and 2018 Supplement)

4 BY repealing
 5 Article – Insurance
 6 Section 31–104 and 31–105(a)
 7 Annotated Code of Maryland
 8 (2017 Replacement Volume and 2018 Supplement)

9 BY adding to
 10 Article – Insurance
 11 Section 31–104 and 31–105(a)
 12 Annotated Code of Maryland
 13 (2017 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, without amendments,
 15 Article – State Finance and Procurement
 16 Section 6–226(a)(2)(i)
 17 Annotated Code of Maryland
 18 (2015 Replacement Volume and 2018 Supplement)

19 BY repealing and reenacting, with amendments,
 20 Article – State Finance and Procurement
 21 Section 6–226(a)(2)(ii)112. and 113.
 22 Annotated Code of Maryland
 23 (2015 Replacement Volume and 2018 Supplement)

24 BY adding to
 25 Article – State Finance and Procurement
 26 Section 6–226(a)(2)(ii)114.
 27 Annotated Code of Maryland
 28 (2015 Replacement Volume and 2018 Supplement)

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

31 **Article – Health – General**

32 **TITLE 25. HEALTHY MARYLAND.**

33 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

34 **25–101.**

35 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**

1 INDICATED.

2 (B) (1) "ACTIVITIES OF DAILY LIVING" MEANS BASIC EVERYDAY
3 SELF-CARE ACTIVITIES.

4 (2) "ACTIVITIES OF DAILY LIVING" INCLUDES EATING, TOILETING,
5 GROOMING, DRESSING, BATHING, AND TRANSFERRING.

6 (C) "AFFORDABLE CARE ACT" MEANS THE FEDERAL PATIENT
7 PROTECTION AND AFFORDABLE CARE ACT AND ANY REGULATIONS OR GUIDANCE
8 ISSUED UNDER THE ACT.

9 (D) (1) "ALLIED HEALTH PRACTITIONER" MEANS A HEALTH
10 PROFESSIONAL WHO:

11 (I) APPLIES THE HEALTH PROFESSIONAL'S EXPERTISE TO:

12 1. PREVENT DISEASE TRANSMISSION; AND

13 2. DIAGNOSE, TREAT, AND REHABILITATE INDIVIDUALS
14 OF ALL AGES; AND

15 (II) WITH A RANGE OF TECHNICAL AND SUPPORT STAFF, MAY
16 DELIVER DIRECT PATIENT CARE, REHABILITATION, TREATMENT, DIAGNOSTICS, AND
17 HEALTH IMPROVEMENT INTERVENTIONS TO RESTORE AND MAINTAIN OPTIMAL
18 PHYSICAL, SENSORY, PSYCHOLOGICAL, COGNITIVE, OR SOCIAL FUNCTIONS.

19 (2) "ALLIED HEALTH PRACTITIONER" INCLUDES AN AUDIOLOGIST,
20 AN OCCUPATIONAL THERAPIST, A SOCIAL WORKER, AND A RADIOGRAPHER.

21 (E) "BOARD" MEANS THE HEALTHY MARYLAND BOARD.

22 (F) "CARRIER" HAS THE MEANING STATED IN § 15-112(A)(4)(I) OF THE
23 INSURANCE ARTICLE.

24 (G) "COMMITTEE" MEANS THE HEALTHY MARYLAND PUBLIC ADVISORY
25 COMMITTEE.

26 (H) (1) "ESSENTIAL COMMUNITY PROVIDER" HAS THE MEANING STATED
27 IN 45 C.F.R. § 156.235(C).

28 (2) "ESSENTIAL COMMUNITY PROVIDER" INCLUDES A PERSON
29 ACTING AS:

1 (I) A SAFETY NET CLINIC;

2 (II) A SAFETY NET HEALTH CARE PROVIDER; OR

3 (III) A RURAL HOSPITAL.

4 (I) "FEDERALLY MATCHED PUBLIC HEALTH PROGRAM" MEANS:

5 (1) THE MARYLAND MEDICAL ASSISTANCE PROGRAM UNDER TITLE
6 XIX OF THE FEDERAL SOCIAL SECURITY ACT; OR

7 (2) THE MARYLAND CHILDREN'S HEALTH INSURANCE PROGRAM
8 UNDER TITLE XXI OF THE SOCIAL SECURITY ACT.

9 (J) "FUND" MEANS THE HEALTHY MARYLAND TRUST FUND.

10 (K) "HEALTH CARE PROVIDER" MEANS:

11 (1) AN ACUPUNCTURIST;

12 (2) AN AUDIOLOGIST;

13 (3) A CHIROPRACTOR;

14 (4) A DIETITIAN;

15 (5) A DENTIST;

16 (6) AN ELECTROLOGIST;

17 (7) A HEALTH CARE FACILITY THAT IS:

18 (I) A FREESTANDING AMBULATORY CARE FACILITY AS
19 DEFINED IN § 19-3B-01 OF THIS ARTICLE;

20 (II) A FREESTANDING MEDICAL FACILITY AS DEFINED IN §
21 19-3A-01 OF THIS ARTICLE;

22 (III) A HEALTH CARE FACILITY AS DEFINED IN § 10-101 OF THIS
23 ARTICLE;

24 (IV) A HOSPITAL AS DEFINED IN § 19-301 OF THIS ARTICLE;

1 (V) A LIMITED SERVICE HOSPITAL AS DEFINED IN § 19-301 OF
2 THIS ARTICLE;

3 (VI) A RELATED INSTITUTION AS DEFINED IN § 19-301 OF THIS
4 ARTICLE; OR

5 (VII) A RESIDENTIAL TREATMENT CENTER AS DEFINED IN §
6 19-301 OF THIS ARTICLE;

7 (8) A MASSAGE THERAPIST;

8 (9) A REGISTERED NURSE;

9 (10) A NUTRITIONIST;

10 (11) AN OCCUPATIONAL THERAPIST;

11 (12) AN OPTOMETRIST;

12 (13) A PHYSICAL THERAPIST;

13 (14) A PHYSICIAN;

14 (15) A PODIATRIST;

15 (16) A PROFESSIONAL COUNSELOR;

16 (17) A PSYCHOLOGIST;

17 (18) A SOCIAL WORKER; OR

18 (19) A SPEECH-LANGUAGE PATHOLOGIST.

19 (L) "HEALTH CARE SERVICE" MEANS ANY HEALTH CARE SERVICE THAT IS
20 INCLUDED AS A BENEFIT UNDER HEALTHY MARYLAND.

21 (M) "HEALTHY MARYLAND" MEANS THE HEALTHY MARYLAND PROGRAM.

22 (N) "HOME- AND COMMUNITY-BASED SERVICES" MEANS THE HOME- AND
23 COMMUNITY-BASED SERVICES ESTABLISHED UNDER § 1915(C), (D), (I), AND (K) OF
24 THE SOCIAL SECURITY ACT AND AS DEFINED IN THE HOME AND COMMUNITY-BASED
25 SERVICES SETTINGS RULE UNDER 42 C.F.R. 441.530 AND 42 C.F.R. 441.656.

1 (O) "IMPLEMENTATION PERIOD" MEANS THE PERIOD SPECIFIED UNDER §
2 25-304 OF THIS TITLE DURING WHICH HEALTHY MARYLAND IS SUBJECT TO
3 SPECIAL ELIGIBILITY AND FINANCING PROVISIONS UNTIL IT IS FULLY
4 IMPLEMENTED UNDER THAT SECTION.

5 (P) "INSTITUTIONAL PROVIDER" HAS THE MEANING STATED IN § 1861(U)
6 OF THE SOCIAL SECURITY ACT.

7 (Q) (1) "INSTRUMENTAL ACTIVITIES OF DAILY LIVING" MEANS
8 ACTIVITIES RELATED TO LIVING INDEPENDENTLY IN THE COMMUNITY.

9 (2) "INSTRUMENTAL ACTIVITIES OF DAILY LIVING" INCLUDES MEAL
10 PLANNING AND PREPARATION, PERSONAL FINANCIAL MANAGEMENT, SHOPPING,
11 HOUSEKEEPING, COMMUNICATING BY PHONE OR OTHER MEDIA, AND
12 TRANSPORTATION.

13 (R) (1) "LONG-TERM SERVICES AND SUPPORTS" MEANS LONG-TERM
14 CARE, TREATMENT, MAINTENANCE, OR SERVICES NEEDED TO SUPPORT THE
15 ACTIVITIES OF DAILY LIVING AND THE INSTRUMENTAL ACTIVITIES OF DAILY LIVING
16 FOR AN INDIVIDUAL WITH A DISABILITY, INCLUDING:

17 (I) ANY LONG-TERM SERVICES AND SUPPORTS AVAILABLE
18 UNDER § 1915 OF THE SOCIAL SECURITY ACT;

19 (II) HOME- AND COMMUNITY-BASED SERVICES; AND

20 (III) ANY ADDITIONAL SERVICES AND SUPPORTS IDENTIFIED BY
21 THE SECRETARY TO SUPPORT INDIVIDUALS WITH DISABILITIES TO LIVE, WORK, AND
22 PARTICIPATE IN THEIR COMMUNITIES.

23 (2) "LONG-TERM CARE" DOES NOT INCLUDE SHORT-TERM
24 REHABILITATION SERVICES, AS DEFINED BY THE BOARD.

25 (S) "MEDICAID" OR "MEDICAL ASSISTANCE" MEANS A PROGRAM THAT IS
26 ONE OF THE FOLLOWING:

27 (1) THE MARYLAND MEDICAL ASSISTANCE PROGRAM UNDER TITLE
28 XIX OF THE SOCIAL SECURITY ACT; OR

29 (2) THE MARYLAND CHILDREN'S HEALTH INSURANCE PROGRAM
30 UNDER TITLE XXI OF THE SOCIAL SECURITY ACT.

1 **(T) “MEDICALLY NECESSARY” MEANS THE HEALTH CARE ITEMS OR**
2 **SERVICES:**

3 **(1) NEEDED TO PREVENT, DIAGNOSE, OR TREAT AN ILLNESS, AN**
4 **INJURY, A CONDITION, A DISEASE, OR ITS SYMPTOMS; AND**

5 **(2) THAT MEET ACCEPTED STANDARDS OF CARE AS DETERMINED BY**
6 **A PATIENT’S TREATING PHYSICIAN OR OTHER INDIVIDUAL HEALTH CARE PROVIDER**
7 **WHO, ACCORDING TO THAT HEALTH CARE PROVIDER’S SCOPE OF PRACTICE AND**
8 **LICENSURE IN THE STATE, IS AUTHORIZED TO ESTABLISH A MEDICAL DIAGNOSIS**
9 **AND HAS MADE A MEDICAL ASSESSMENT OF THE PATIENT’S CONDITION.**

10 **(U) “MEDICARE” MEANS TITLE XVIII OF THE SOCIAL SECURITY ACT AND**
11 **THE PROGRAMS THEREUNDER.**

12 **(V) “MEMBER” MEANS AN INDIVIDUAL WHO IS ENROLLED IN HEALTHY**
13 **MARYLAND.**

14 **(W) “OUT-OF-STATE HEALTH CARE SERVICE” MEANS A HEALTH CARE**
15 **SERVICE PROVIDED IN PERSON TO A MEMBER WHILE THE MEMBER IS TEMPORARILY**
16 **AND PHYSICALLY LOCATED OUTSIDE THE STATE BECAUSE:**

17 **(1) IT IS MEDICALLY NECESSARY THAT THE HEALTH CARE SERVICE**
18 **BE PROVIDED WHILE THE MEMBER PHYSICALLY IS OUTSIDE THE STATE; OR**

19 **(2) THE HEALTH CARE SERVICE:**

20 **(I) IS CLINICALLY APPROPRIATE AND NECESSARY; AND**

21 **(II) CAN BE PROVIDED ONLY BY A PARTICULAR HEALTH CARE**
22 **PROVIDER PHYSICALLY LOCATED OUTSIDE THE STATE.**

23 **(X) “PARTICIPATING PROVIDER” MEANS ANY INDIVIDUAL OR ENTITY THAT**
24 **IS A HEALTH CARE PROVIDER QUALIFIED UNDER § 25-701 OF THIS TITLE THAT**
25 **PROVIDES HEALTH CARE SERVICES TO MEMBERS UNDER HEALTHY MARYLAND.**

26 **(Y) “PRESCRIPTION DRUGS” HAS THE MEANING STATED IN § 21-201 OF**
27 **THIS ARTICLE.**

28 **(Z) “RESIDENT” MEANS AN INDIVIDUAL WITHOUT REGARD TO THE**
29 **INDIVIDUAL’S IMMIGRATION STATUS:**

30 **(1) WHOSE PRIMARY PLACE OF ABODE IS IN THE STATE; AND**

1 **(2) WHO MEETS THE STATE RESIDENCE REQUIREMENTS ADOPTED BY**
2 **THE BOARD UNDER § 25-304(B) OF THIS TITLE.**

3 **(AA) “TEMPORARILY” MEANS FOR A PERIOD OF TIME THAT IS NOT MORE**
4 **THAN 90 DAYS.**

5 **25-102.**

6 **(A) THE GENERAL ASSEMBLY FINDS THAT:**

7 **(1) ALL RESIDENTS OF THE STATE HAVE THE RIGHT TO HEALTH**
8 **CARE;**

9 **(2) RESIDENTS OF THE STATE, AS INDIVIDUALS, EMPLOYERS, AND**
10 **TAXPAYERS, HAVE EXPERIENCED:**

11 **(I) A RISE IN THE COST OF HEALTH CARE AND HEALTH CARE**
12 **COVERAGE IN RECENT YEARS, INCLUDING RISING PREMIUMS, DEDUCTIBLES, AND**
13 **COPAYS; AND**

14 **(II) RESTRICTED PROVIDER NETWORKS AND HIGH**
15 **OUT-OF-NETWORK CHARGES;**

16 **(3) BUSINESSES HAVE EXPERIENCED INCREASES IN THE COSTS OF**
17 **HEALTH CARE BENEFITS FOR EMPLOYEES, AND MANY EMPLOYERS ARE SHIFTING A**
18 **LARGER SHARE OF THE COST OF COVERAGE TO EMPLOYEES OR DROPPING**
19 **COVERAGE ENTIRELY;**

20 **(4) INDIVIDUALS OFTEN FIND THAT THE INDIVIDUALS ARE DEPRIVED**
21 **OF AFFORDABLE CARE AND CHOICE BECAUSE OF DECISIONS BY HEALTH BENEFIT**
22 **PLANS GUIDED BY THE PLAN’S ECONOMIC NEEDS RATHER THAN INDIVIDUALS’**
23 **HEALTH CARE NEEDS;**

24 **(5) TO ADDRESS THE FISCAL CRISIS FACING THE STATE AND ENSURE**
25 **THAT RESIDENTS OF THE STATE MAY EXERCISE THE RESIDENTS’ RIGHT TO HEALTH**
26 **CARE, COMPREHENSIVE HEALTH CARE COVERAGE NEEDS TO BE PROVIDED;**

27 **(6) PROFIT-MAKING HEALTH CARE PROVIDERS HAVE INCREASINGLY**
28 **DEVASTATED THE LIVES OF THOUSANDS OF MARYLAND RESIDENTS; AND**

29 **(7) MILLIONS OF DOLLARS THAT COULD BE SPENT ON CARE TO**
30 **MARYLAND RESIDENTS ARE DIVERTED TO PROFIT OR ARE WASTED ON**

1 ADMINISTRATIVE COSTS NECESSARY IN A MULTI-PAYER HEALTH CARE SYSTEM.

2 (B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

3 (1) THERE BE A COMPREHENSIVE UNIVERSAL SINGLE-PAYER
4 HEALTH CARE COVERAGE PROGRAM AND A HEALTH CARE COST CONTROL SYSTEM
5 FOR THE BENEFIT OF ALL RESIDENTS OF THE STATE;

6 (2) HEALTHY MARYLAND BE ESTABLISHED TO PROVIDE
7 COMPREHENSIVE UNIVERSAL HEALTH COVERAGE FOR EVERY MARYLAND
8 RESIDENT, AND FUNDED BY BROAD-BASED REVENUE;

9 (3) THE STATE SEEK TO OBTAIN WAIVERS AND OTHER APPROVALS
10 RELATING TO MEDICAID, THE MARYLAND CHILDREN'S HEALTH INSURANCE
11 PROGRAM, MEDICARE, THE FEDERAL PATIENT PROTECTION AND AFFORDABLE
12 CARE ACT, AND ANY OTHER FEDERAL PROGRAMS PERTAINING TO THE PROVISION
13 OF HEALTH CARE SO THAT ANY FEDERAL FUNDS AND OTHER SUBSIDIES THAT
14 WOULD OTHERWISE BE PAID TO THE STATE, STATE RESIDENTS, AND HEALTH CARE
15 PROVIDERS ARE PAID BY THE FEDERAL GOVERNMENT TO THE STATE AND
16 DEPOSITED IN THE HEALTHY MARYLAND TRUST FUND;

17 (4) THE STATE WORK TO INCORPORATE HEALTH CARE COVERAGE OF
18 STATE RESIDENTS WHO ARE EMPLOYED IN OTHER JURISDICTIONS INTO WAIVERS
19 AND OTHER APPROVALS RELATING TO MEDICAID, THE MARYLAND CHILDREN'S
20 HEALTH INSURANCE PROGRAM, MEDICARE, THE AFFORDABLE CARE ACT, AND
21 ANY OTHER FEDERAL PROGRAMS RELATED TO THE PROVISION OF HEALTH CARE;

22 (5) ANY FUNDS OBTAINED UNDER WAIVERS AND APPROVALS
23 RELATING TO MEDICAID, THE MARYLAND CHILDREN'S HEALTH INSURANCE
24 PROGRAM, MEDICARE, THE AFFORDABLE CARE ACT, AND ANY OTHER FEDERAL
25 PROGRAMS SHALL BE USED:

26 (I) FOR HEALTH COVERAGE THAT PROVIDES HEALTH
27 BENEFITS EQUAL TO OR EXCEEDING THOSE PROGRAMS; AND

28 (II) TO ELIMINATE ANY COST-SHARING OR INSURANCE
29 PREMIUM OBLIGATIONS ON RESIDENTS OF THE STATE;

30 (6) (I) HEALTHY MARYLAND REPLACE THE MARYLAND MEDICAL
31 ASSISTANCE PROGRAM, THE MARYLAND CHILDREN'S HEALTH INSURANCE
32 PROGRAM, MEDICARE, THE AFFORDABLE CARE ACT, AND ANY OTHER FEDERAL
33 PROGRAMS; AND

1 **(II) THOSE PROGRAMS BE MERGED INTO HEALTHY MARYLAND,**
2 **WHICH WILL OPERATE AS A TRUE SINGLE-PAYER PROGRAM;**

3 **(7) IF ANY NECESSARY WAIVERS OR APPROVALS ARE NOT OBTAINED,**
4 **THE STATE USE STATE PLAN AMENDMENTS AND SEEK WAIVERS AND APPROVALS TO**
5 **MAXIMIZE, AND MAKE AS SEAMLESS AS POSSIBLE, THE USE OF FUNDING FROM**
6 **FEDERALLY MATCHED PUBLIC HEALTH PROGRAMS AND OTHER FEDERAL HEALTH**
7 **PROGRAMS IN HEALTHY MARYLAND;**

8 **(8) IF PROGRAMS SUCH AS MEDICAID OR MEDICARE CONTRIBUTE TO**
9 **PAYING FOR HEALTH CARE SERVICES:**

10 **(I) HEALTH CARE COVERAGE BE DELIVERED BY HEALTHY**
11 **MARYLAND; AND**

12 **(II) TO THE GREATEST EXTENT POSSIBLE, THE MULTIPLE**
13 **SOURCES OF FUNDING:**

14 1. **BE POOLED WITH OTHER HEALTHY MARYLAND**
15 **FUNDS; AND**

16 2. **NOT BE APPARENT TO HEALTHY MARYLAND**
17 **MEMBERS OR PARTICIPATING PROVIDERS;**

18 **(9) THIS TITLE ADDRESS THE HIGH COST OF PRESCRIPTION DRUGS**
19 **AND ENSURE THAT PRESCRIPTION DRUGS ARE AFFORDABLE FOR PATIENTS;**

20 **(10) NEITHER HEALTH INFORMATION TECHNOLOGY NOR CLINICAL**
21 **PRACTICE GUIDELINES LIMIT THE EFFECTIVE EXERCISE OF THE PROFESSIONAL**
22 **JUDGMENT OF PHYSICIANS, REGISTERED NURSES, AND OTHER LICENSED HEALTH**
23 **CARE PROVIDERS;**

24 **(11) PHYSICIANS, REGISTERED NURSES, AND OTHER LICENSED**
25 **HEALTH CARE PROVIDERS MAY OVERRIDE HEALTH INFORMATION TECHNOLOGY**
26 **AND CLINICAL PRACTICE GUIDELINES IF THE OVERRIDE:**

27 **(I) IS CONSISTENT WITH THE TREATING PHYSICIAN'S**
28 **DETERMINATION OF MEDICAL NECESSITY; AND**

29 **(II) IN THE PROFESSIONAL JUDGMENT OF THE PHYSICIAN OR**
30 **REGISTERED NURSE, IS IN THE BEST INTEREST OF THE PATIENT AND CONSISTENT**
31 **WITH THE PATIENT'S WISHES;**

1 **(12) (i) LEGISLATION BE ENACTED TO DEVELOP A REVENUE PLAN**
2 **FOR HEALTHY MARYLAND, TAKING INTO CONSIDERATION ANTICIPATED FEDERAL**
3 **REVENUE AVAILABLE FOR HEALTHY MARYLAND; AND**

4 **(ii) IN DEVELOPING THE REVENUE PLAN, THE GOVERNOR AND**
5 **THE GENERAL ASSEMBLY CONSULT WITH APPROPRIATE OFFICIALS AND**
6 **STAKEHOLDERS; AND**

7 **(13) LEGISLATION BE ENACTED REQUIRING THAT ALL STATE**
8 **REVENUES FROM THE HEALTHY MARYLAND PROGRAM BE DEPOSITED IN AN**
9 **ACCOUNT WITHIN THE HEALTHY MARYLAND TRUST FUND TO BE KNOWN AS THE**
10 **HEALTHY MARYLAND TRUST FUND ACCOUNT.**

11 **25-103.**

12 **(A) THIS TITLE MAY NOT BE CONSTRUED TO CREATE ANY EMPLOYMENT**
13 **BENEFIT, OR TO REQUIRE, PROHIBIT, OR LIMIT THE PROVISION OF ANY**
14 **EMPLOYMENT BENEFIT.**

15 **(B) THIS TITLE DOES NOT CHANGE OR IMPACT IN ANY WAY THE ROLE OR**
16 **AUTHORITY OF ANY LICENSING BOARD OR STATE AGENCY THAT REGULATES THE**
17 **STANDARDS FOR OR PROVISION OF HEALTH CARE AND THE STANDARDS FOR**
18 **HEALTH CARE PROVIDERS AS ESTABLISHED UNDER STATE LAW AS OF JANUARY 1,**
19 **2019, INCLUDING:**

20 **(1) THE HEALTH OCCUPATIONS ARTICLE; AND**

21 **(2) TITLE 19 OF THIS ARTICLE.**

22 **(C) THIS TITLE DOES NOT AUTHORIZE HEALTHY MARYLAND, THE HEALTHY**
23 **MARYLAND BOARD, OR THE SECRETARY OF HEALTH TO ESTABLISH OR REVISE**
24 **LICENSURE STANDARDS FOR HEALTH CARE PROVIDERS.**

25 **(D) THIS TITLE DOES NOT AUTHORIZE HEALTHY MARYLAND TO CARRY OUT**
26 **ANY FUNCTION NOT AUTHORIZED BY WAIVERS.**

27 **(E) THIS TITLE MAY NOT BE CONSTRUED TO PREEMPT OR PREVAIL OVER**
28 **ANY CITY, COUNTY, OR OTHER LOCAL GOVERNMENT ORDINANCE, RESOLUTION,**
29 **LAW, OR RULE THAT PROVIDES MORE PROTECTIONS AND BENEFITS TO RESIDENTS**
30 **OF THE STATE THAN PROVIDED UNDER THIS TITLE.**

31 **25-104.**

1 (A) HEALTHY MARYLAND OR ANY STATE AGENCY, LOCAL AGENCY, OR
2 PUBLIC EMPLOYEE ACTING ON BEHALF OF HEALTHY MARYLAND MAY NOT PROVIDE
3 OR DISCLOSE TO ANYONE, INCLUDING THE FEDERAL GOVERNMENT, FOR LAW
4 ENFORCEMENT PURPOSES ANY PERSONALLY IDENTIFIABLE INFORMATION
5 OBTAINED ABOUT AN INDIVIDUAL, INCLUDING AN INDIVIDUAL'S RELIGIOUS
6 BELIEFS, PRACTICES, OR AFFILIATION, NATIONAL ORIGIN, ETHNICITY, OR
7 IMMIGRATION STATUS.

8 (B) A LAW ENFORCEMENT AGENCY IN THE STATE MAY NOT USE HEALTHY
9 MARYLAND FUNDS, FACILITIES, PROPERTY, EQUIPMENT, OR PERSONNEL TO
10 INVESTIGATE, ENFORCE, OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT OF
11 ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE VIOLATION OR WARRANT FOR A
12 VIOLATION OF ANY REQUIREMENT THAT INDIVIDUALS REGISTER WITH THE
13 FEDERAL GOVERNMENT OR ANY FEDERAL AGENCY BASED ON RELIGION, NATIONAL
14 ORIGIN, ETHNICITY, IMMIGRATION STATUS, OR OTHER PROTECTED CATEGORY
15 UNDER § 20-304 OF THE STATE GOVERNMENT ARTICLE.

16 SUBTITLE 2. HEALTHY MARYLAND PROGRAM.

17 25-201.

18 (A) THERE IS A HEALTHY MARYLAND PROGRAM.

19 (B) (1) HEALTHY MARYLAND IS A BODY POLITIC AND CORPORATE AND IS
20 AN INSTRUMENTALITY OF THE STATE.

21 (2) HEALTHY MARYLAND IS A PUBLIC CORPORATION AND A UNIT OF
22 STATE GOVERNMENT.

23 (3) THE EXERCISE BY HEALTHY MARYLAND OF ITS AUTHORITY
24 UNDER THIS TITLE IS AN ESSENTIAL GOVERNMENT FUNCTION.

25 (C) ON OR BEFORE JANUARY 1, 2021, HEALTHY MARYLAND SHALL:

26 (1) PROVIDE:

27 (I) COMPREHENSIVE UNIVERSAL SINGLE-PAYER HEALTH
28 CARE SERVICES FOR ALL RESIDENTS OF THE STATE;

29 (II) A HEALTH CARE COST CONTROL SYSTEM FOR THE BENEFIT
30 OF ALL RESIDENTS OF THE STATE;

31 (III) CHOICE AND ACCESS TO HEALTH CARE COORDINATORS

1 AND HEALTH CARE PROVIDERS TO ALL RESIDENTS OF THE STATE; AND

2 (IV) BROAD-BASED PUBLIC FINANCING OF HEALTH CARE
3 SERVICES FOR ALL RESIDENTS OF THE STATE; AND

4 (2) ESTABLISH MECHANISMS TO:

5 (I) ENABLE HEALTH CARE PROVIDERS TO COLLECTIVELY
6 NEGOTIATE WITH HEALTHY MARYLAND REGARDING ANY MATTER RELATING TO
7 HEALTHY MARYLAND, INCLUDING:

8 1. RATES OF PAYMENT FOR HEALTH CARE SERVICES;

9 2. RATES OF PAYMENT FOR PRESCRIPTION AND
10 NONPRESCRIPTION DRUGS; AND

11 3. PAYMENT METHODOLOGIES;

12 (II) ENSURE TRANSPARENCY AND ACCOUNTABILITY TO THE
13 PUBLIC; AND

14 (III) PROVIDE FOR THE COLLECTION OF DATA TO:

15 1. PROMOTE TRANSPARENCY;

16 2. ASSESS ADHERENCE TO PATIENT CARE STANDARDS
17 ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE; AND

18 3. COMPARE PATIENT OUTCOMES AND REVIEW
19 UTILIZATION OF HEALTH CARE SERVICES PAID FOR BY HEALTHY MARYLAND.

20 (D) HEALTHY MARYLAND IS SUBJECT TO:

21 (1) TITLES 3, 4, AND 5 OF THE GENERAL PROVISIONS ARTICLE;

22 (2) THE FOLLOWING PROVISIONS OF THE STATE FINANCE AND
23 PROCUREMENT ARTICLE:

24 (I) TITLE 3A, SUBTITLE 3, TO THE EXTENT THAT THE
25 SECRETARY OF INFORMATION TECHNOLOGY DETERMINES THAT AN INFORMATION
26 TECHNOLOGY PROJECT OF HEALTHY MARYLAND IS A MAJOR INFORMATION
27 TECHNOLOGY DEVELOPMENT PROJECT;

- 1 (II) TITLE 12, SUBTITLE 4; AND
- 2 (III) TITLE 14, SUBTITLE 3;
- 3 (3) THE FOLLOWING PROVISIONS OF THE STATE GOVERNMENT
- 4 ARTICLE:
- 5 (I) TITLE 10, SUBTITLE 1; AND
- 6 (II) TITLE 12; AND
- 7 (4) TITLE 5, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS
- 8 ARTICLE.

9 SUBTITLE 3. HEALTHY MARYLAND BOARD.

10 25-301.

11 (A) THERE IS A HEALTHY MARYLAND BOARD.

12 (B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

13 (1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE, AS AN EX

14 OFFICIO MEMBER OF THE BOARD;

15 (2) FOUR MEMBERS APPOINTED BY THE GOVERNOR, WITH THE

16 ADVICE AND CONSENT OF THE SENATE;

17 (3) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;

18 AND

19 (4) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE.

20 (C) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

21 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS

22 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,

23 2019.

24 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL

25 A SUCCESSOR IS APPOINTED AND QUALIFIES.

26 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES

1 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
2 QUALIFIES.

3 (5) (I) IF A VACANCY OCCURS AMONG THE MEMBERS APPOINTED
4 BY THE GOVERNOR, THE GOVERNOR SHALL PROMPTLY APPOINT A SUCCESSOR WHO
5 SHALL SERVE UNTIL THE TERM EXPIRES.

6 (II) A MEMBER APPOINTED UNDER SUBPARAGRAPH (I) OF THIS
7 PARAGRAPH MAY BE REAPPOINTED FOR A FULL TERM.

8 (6) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE
9 TERMS.

10 (7) FROM AMONG ITS MEMBERS, THE HEALTHY MARYLAND BOARD
11 SHALL ELECT A CHAIR AND VICE CHAIR EACH YEAR.

12 (D) IN APPOINTING MEMBERS UNDER SUBSECTION (B) OF THIS SECTION,
13 THE APPOINTING AUTHORITY SHALL:

14 (1) ENSURE THAT THE APPOINTEE HAS DEMONSTRATED AND
15 ACKNOWLEDGED EXPERTISE IN HEALTH CARE;

16 (2) CONSIDER THE EXPERTISE OF THE OTHER MEMBERS OF THE
17 BOARD AND ATTEMPT TO MAKE APPOINTMENTS SO THAT THE BOARD'S
18 COMPOSITION REFLECTS A DIVERSITY OF EXPERTISE IN VARIOUS ASPECTS OF
19 HEALTH CARE;

20 (3) CONSIDER THE CULTURAL, ETHNIC, AND GEOGRAPHICAL
21 DIVERSITY OF THE STATE SO THAT THE BOARD'S COMPOSITION REFLECTS THE
22 COMMUNITIES OF THE STATE; AND

23 (4) ENSURE THAT THE BOARD'S COMPOSITION INCLUDES:

24 (I) AT LEAST ONE REPRESENTATIVE OF A LABOR
25 ORGANIZATION REPRESENTING REGISTERED NURSES;

26 (II) AT LEAST ONE REPRESENTATIVE OF THE GENERAL PUBLIC;

27 (III) AT LEAST ONE REPRESENTATIVE OF A LABOR
28 ORGANIZATION; AND

29 (IV) AT LEAST ONE REPRESENTATIVE OF THE MEDICAL
30 PROVIDER COMMUNITY.

1 **(E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE**
2 **MEANINGS INDICATED.**

3 **(II) “AFFILIATION” MEANS:**

4 1. **A FINANCIAL INTEREST;**

5 2. **A POSITION OF GOVERNANCE, INCLUDING**
6 **MEMBERSHIP ON A BOARD OF DIRECTORS, REGARDLESS OF COMPENSATION;**

7 3. **A RELATIONSHIP THROUGH WHICH COMPENSATION**
8 **IS RECEIVED; OR**

9 4. **A RELATIONSHIP FOR THE PROVISION OF SERVICES**
10 **AS A REGULATED LOBBYIST.**

11 **(III) “COMPENSATION” HAS THE MEANING STATED IN § 5–101 OF**
12 **THE GENERAL PROVISIONS ARTICLE.**

13 **(IV) “FINANCIAL INTEREST” HAS THE MEANING STATED IN §**
14 **5–101 OF THE GENERAL PROVISIONS ARTICLE.**

15 **(V) “REGULATED LOBBYIST” HAS THE MEANING STATED IN §**
16 **5–101 OF THE GENERAL PROVISIONS ARTICLE.**

17 **(2) A MEMBER OF THE HEALTHY MARYLAND BOARD, WITHIN THE**
18 **2–YEAR PERIOD IMMEDIATELY PRECEDING THE MEMBER’S APPOINTMENT AND**
19 **WHILE SERVING ON THE BOARD, OR A MEMBER OF THE STAFF OF THE BOARD MAY**
20 **NOT BE EMPLOYED, OR HAVE BEEN EMPLOYED, IN ANY CAPACITY BY A CONSULTANT**
21 **TO A MEMBER OF THE BOARD OF DIRECTORS OF, HAVE AN AFFILIATION WITH, OR**
22 **OTHERWISE BE A REPRESENTATIVE OF:**

23 **(I) A HEALTH CARE PROVIDER;**

24 **(II) A HEALTH CARE FACILITY;**

25 **(III) A HEALTH CLINIC;**

26 **(IV) A PHARMACEUTICAL COMPANY;**

27 **(V) A MEDICAL EQUIPMENT COMPANY; OR**

1 **(VI) A CARRIER, AN INSURANCE PRODUCER, A THIRD-PARTY**
2 **ADMINISTRATOR, A MANAGED CARE ORGANIZATION, OR ANY OTHER PERSON**
3 **CONTRACTING DIRECTLY WITH THOSE PERSONS.**

4 **(3) A MEMBER OF THE BOARD MAY NOT ACCEPT EMPLOYMENT WITH**
5 **OR RECEIVE COMPENSATION FROM A PERSON LISTED IN PARAGRAPH (2) OF THIS**
6 **SUBSECTION FOR 2 YEARS IMMEDIATELY FOLLOWING THE END OF THE MEMBER'S**
7 **TERM.**

8 **(4) A MEMBER OF THE BOARD OR A STAFF MEMBER OF THE BOARD**
9 **MAY NOT BE A MEMBER, A BOARD MEMBER, OR AN EMPLOYEE OF A TRADE**
10 **ASSOCIATION OF HEALTH FACILITIES, HEALTH CLINICS, HEALTH CARE PROVIDERS,**
11 **CARRIERS, INSURANCE PRODUCERS, THIRD-PARTY ADMINISTRATORS, MANAGED**
12 **CARE ORGANIZATIONS, OR ANY OTHER ASSOCIATION OF ENTITIES IN A POSITION TO**
13 **CONTRACT DIRECTLY WITH HEALTHY MARYLAND UNLESS THE MEMBER OR STAFF**
14 **OF THE BOARD:**

15 **(I) RECEIVES NO COMPENSATION FOR RENDERING SERVICES**
16 **AS A HEALTH CARE PROVIDER; AND**

17 **(II) DOES NOT HAVE AN OWNERSHIP INTEREST IN A HEALTH**
18 **CARE PRACTICE.**

19 **(F) A MEMBER SHALL:**

20 **(1) MEET THE REQUIREMENTS OF THIS TITLE AND ALL APPLICABLE**
21 **STATE AND FEDERAL LAWS AND REGULATIONS;**

22 **(2) SERVE THE PUBLIC INTEREST OF THE INDIVIDUALS, EMPLOYERS,**
23 **AND TAXPAYERS SEEKING HEALTH CARE COVERAGE THROUGH HEALTHY**
24 **MARYLAND; AND**

25 **(3) ENSURE THE SOUND OPERATION AND FISCAL SOLVENCY OF**
26 **HEALTHY MARYLAND.**

27 **(G) (1) THE BOARD SHALL DETERMINE THE TIMES, PLACES, AND**
28 **FREQUENCY OF ITS MEETINGS.**

29 **(2) FIVE MEMBERS OF THE BOARD CONSTITUTE A QUORUM.**

30 **(3) ACTION BY THE BOARD REQUIRES THE AFFIRMATIVE VOTE OF AT**
31 **LEAST FIVE MEMBERS.**

1 **(H) A MEMBER OF THE BOARD:**

2 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;**
3 **BUT**

4 **(2) IS ENTITLED TO:**

5 **(I) A PER DIEM RATE AS PROVIDED IN THE STATE BUDGET FOR**
6 **ATTENDING SCHEDULED MEETINGS OF HEALTHY MARYLAND; AND**

7 **(II) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD**
8 **STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

9 **(I) A MEMBER OF THE BOARD SHALL PERFORM THE MEMBER'S DUTIES:**

10 **(1) IN GOOD FAITH;**

11 **(2) IN THE MANNER THE MEMBER REASONABLY BELIEVES TO BE IN**
12 **THE BEST INTEREST OF HEALTHY MARYLAND, HEALTHY MARYLAND MEMBERS,**
13 **AND RESIDENTS OF THE STATE; AND**

14 **(3) WITHOUT INTENTIONAL OR RECKLESS DISREGARD OF THE CARE**
15 **AN ORDINARILY PRUDENT PERSON IN A LIKE POSITION WOULD USE UNDER SIMILAR**
16 **CIRCUMSTANCES.**

17 **(J) (1) (I) A MEMBER OF THE BOARD SHALL BE SUBJECT TO TITLE 5,**
18 **SUBTITLES 1 THROUGH 7 OF THE GENERAL PROVISIONS ARTICLE.**

19 **(II) IN ADDITION TO THE DISCLOSURE REQUIRED UNDER TITLE**
20 **5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE, A MEMBER OF THE BOARD**
21 **SHALL DISCLOSE TO THE BOARD AND TO THE PUBLIC ANY RELATIONSHIP NOT**
22 **ADDRESSED IN THE REQUIRED FINANCIAL DISCLOSURE THAT THE MEMBER HAS**
23 **WITH A HEALTH CARE PROVIDER, A HEALTH CLINIC, A PHARMACEUTICAL COMPANY,**
24 **A MEDICAL EQUIPMENT COMPANY, A CARRIER, AN INSURANCE PRODUCER, A**
25 **THIRD-PARTY ADMINISTRATOR, A MANAGED CARE ORGANIZATION, OR ANY OTHER**
26 **ENTITY IN AN INDUSTRY INVOLVED IN MATTERS LIKELY TO COME BEFORE THE**
27 **BOARD.**

28 **(2) ON ALL MATTERS THAT COME BEFORE THE BOARD, THE MEMBER**
29 **SHALL:**

30 **(I) ADHERE STRICTLY TO THE CONFLICT OF INTEREST**
31 **PROVISIONS UNDER TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS ARTICLE**

1 RELATING TO RESTRICTIONS ON PARTICIPATION, EMPLOYMENT, AND FINANCIAL
2 INTERESTS; AND

3 (II) PROVIDE FULL DISCLOSURE TO THE BOARD AND THE
4 PUBLIC ON:

5 1. ANY MATTER THAT GIVES RISE TO A POTENTIAL
6 CONFLICT OF INTEREST; AND

7 2. THE MANNER IN WHICH THE MEMBER WILL COMPLY
8 WITH THE PROVISIONS OF TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS
9 ARTICLE TO AVOID ANY CONFLICT OF INTEREST OR APPEARANCE OF A CONFLICT
10 OF INTEREST.

11 (K) A MEMBER OF THE BOARD WHO PERFORMS THE MEMBER'S DUTIES IN
12 ACCORDANCE WITH THE STANDARD ESTABLISHED UNDER SUBSECTION (I) OF THIS
13 SECTION MAY NOT BE LIABLE PERSONALLY FOR ACTIONS TAKEN AS A MEMBER
14 WHEN DONE IN GOOD FAITH, WITHOUT INTENT TO DEFRAUD, AND IN CONNECTION
15 WITH THE ADMINISTRATION, MANAGEMENT, OR CONDUCT OF THIS TITLE OR
16 ACTIONS RELATED TO THIS TITLE.

17 (L) A MEMBER OF THE BOARD MAY BE REMOVED FOR INCOMPETENCE,
18 MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

19 25-302.

20 (A) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR OF
21 HEALTHY MARYLAND.

22 (2) THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF
23 THE BOARD.

24 (3) THE BOARD SHALL DETERMINE THE APPROPRIATE
25 COMPENSATION FOR THE EXECUTIVE DIRECTOR.

26 (B) UNDER THE DIRECTION OF THE BOARD, THE EXECUTIVE DIRECTOR
27 SHALL:

28 (1) BE THE CHIEF ADMINISTRATIVE OFFICER OF HEALTHY
29 MARYLAND, INCLUDING THE HEALTHY MARYLAND TRUST FUND;

30 (2) DIRECT, ORGANIZE, ADMINISTER, AND MANAGE THE OPERATIONS
31 OF HEALTHY MARYLAND AND THE BOARD; AND

1 **(3) PERFORM ALL DUTIES NECESSARY TO COMPLY WITH AND CARRY**
2 **OUT THE PROVISIONS OF THIS TITLE, OTHER APPLICABLE STATE LAWS AND**
3 **REGULATIONS, AND THE AFFORDABLE CARE ACT.**

4 **(C) (1) IN ACCORDANCE WITH THE STATE BUDGET, THE EXECUTIVE**
5 **DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MAY EMPLOY AND RETAIN**
6 **A STAFF FOR HEALTHY MARYLAND TO IMPLEMENT THE PURPOSES AND INTENT OF**
7 **THIS TITLE.**

8 **(2) (I) THE EXECUTIVE DIRECTOR MAY SET THE COMPENSATION**
9 **OF A HEALTHY MARYLAND EMPLOYEE OR AN INDEPENDENT CONTRACTOR OF**
10 **HEALTHY MARYLAND WHO IS IN A POSITION THAT:**

11 **1. IS UNIQUE TO HEALTHY MARYLAND;**

12 **2. REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO**
13 **PERFORM THE DUTIES OF THE POSITION; AND**

14 **3. DOES NOT REQUIRE THE EMPLOYEE TO PERFORM**
15 **FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS**
16 **OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.**

17 **(II) THE SECRETARY OF BUDGET AND MANAGEMENT, IN**
18 **CONSULTATION WITH THE EXECUTIVE DIRECTOR, SHALL DETERMINE THE**
19 **POSITIONS AND TYPES OF INDEPENDENT CONTRACTORS FOR WHICH THE**
20 **EXECUTIVE DIRECTOR MAY SET COMPENSATION UNDER SUBPARAGRAPH (I) OF**
21 **THIS PARAGRAPH.**

22 **(3) IN HIRING STAFF FOR FUNCTIONS THAT MUST BE PERFORMED BY**
23 **STATE PERSONNEL UNDER THE AFFORDABLE CARE ACT OR OTHER APPLICABLE**
24 **FEDERAL OR STATE LAWS, THE EXECUTIVE DIRECTOR'S APPOINTMENT,**
25 **RETENTION, AND REMOVAL OF STAFF SHALL BE IN ACCORDANCE WITH DIVISION I**
26 **OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

27 **(4) IN HIRING STAFF FOR FUNCTIONS THAT HAVE BEEN AND**
28 **CURRENTLY ARE PERFORMED BY STATE PERSONNEL, THE EXECUTIVE DIRECTOR'S**
29 **APPOINTMENT, RETENTION, AND REMOVAL OF STAFF SHALL BE IN ACCORDANCE**
30 **WITH DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE.**

31 **(5) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION,**
32 **STAFF FOR ALL OTHER POSITIONS NECESSARY TO CARRY OUT THE PURPOSES OF**
33 **THIS TITLE SHALL BE POSITIONS IN THE EXECUTIVE SERVICE OR MANAGEMENT**

1 SERVICE, OR SPECIAL APPOINTMENTS OF THE SKILLED SERVICE OR THE
2 PROFESSIONAL SERVICE IN THE STATE PERSONNEL MANAGEMENT SYSTEM.

3 (6) THE EXECUTIVE DIRECTOR MAY RETAIN AS INDEPENDENT
4 CONTRACTORS ATTORNEYS, FINANCIAL CONSULTANTS, AND ANY OTHER
5 PROFESSIONALS OR CONSULTANTS NECESSARY TO CARRY OUT THE PLANNING,
6 DEVELOPMENT, AND OPERATIONS OF THE HEALTHY MARYLAND PROGRAM, AND
7 THE PROVISIONS OF THIS TITLE.

8 (7) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S
9 DESIGNEE, SHALL GIVE PREFERENCE IN HIRING UNDER THIS SUBSECTION TO ALL
10 INDIVIDUALS DISPLACED OR UNEMPLOYED AS A DIRECT RESULT OF THE
11 IMPLEMENTATION OF HEALTHY MARYLAND.

12 (D) THE EXECUTIVE DIRECTOR SHALL DETERMINE THE CLASSIFICATION,
13 GRADE, AND COMPENSATION OF THE POSITIONS DESIGNATED UNDER SUBSECTION
14 (C)(2) OF THIS SECTION:

15 (1) IN CONSULTATION WITH THE SECRETARY OF BUDGET AND
16 MANAGEMENT;

17 (2) WITH THE APPROVAL OF THE BOARD; AND

18 (3) WHEN POSSIBLE, IN ACCORDANCE WITH THE STATE PAY PLAN.

19 (E) (1) THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE SECRETARY
20 OF BUDGET AND MANAGEMENT, AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE
21 OF THE CHANGE, EACH CHANGE TO HEALTHY MARYLAND'S SALARY PLANS THAT
22 INVOLVE INCREASES OR DECREASES IN SALARY RANGES OTHER THAN THOSE
23 ASSOCIATED WITH ROUTINE RECLASSIFICATIONS AND PROMOTIONS OR GENERAL
24 SALARY INCREASES APPROVED BY THE GENERAL ASSEMBLY.

25 (2) CHANGES REQUIRED TO BE REPORTED UNDER PARAGRAPH (1) OF
26 THIS SUBSECTION INCLUDE:

27 (I) THE CREATION OR ABOLITION OF CLASSES;

28 (II) THE REGRADING OF CLASSES FROM ONE ESTABLISHED
29 RANGE TO ANOTHER; AND

30 (III) THE CREATION OF NEW PAY SCHEDULES OR RANGES.

31 (3) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:

1 (I) REVIEW THE PROPOSED CHANGE; AND

2 (II) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE
3 PROPOSED CHANGE:

4 1. ADVISE THE EXECUTIVE DIRECTOR WHETHER THE
5 CHANGE WOULD HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS; AND

6 2. IF THERE WOULD BE AN ADVERSE EFFECT,
7 RECOMMEND AN ALTERNATIVE CHANGE THAT WOULD NOT HAVE AN ADVERSE
8 EFFECT ON COMPARABLE STATE JOBS.

9 (4) FAILURE OF THE SECRETARY OF BUDGET AND MANAGEMENT TO
10 RESPOND TO THE PROPOSED CHANGE IN A TIMELY MANNER SHALL BE CONSIDERED
11 TO BE AGREEMENT WITH THE CHANGE AS SUBMITTED.

12 (F) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN EMPLOYEE OR
13 INDEPENDENT CONTRACTOR OF HEALTHY MARYLAND IS NOT SUBJECT TO ANY LAW,
14 REGULATION, OR EXECUTIVE ORDER GOVERNING STATE COMPENSATION,
15 INCLUDING:

16 (1) FURLOUGHS;

17 (2) PAY CUTS; OR

18 (3) ANY OTHER GENERAL FUND COST-SAVINGS MEASURE.

19 25-303.

20 (A) SUBJECT TO ANY LIMITATIONS UNDER THIS TITLE OR OTHER
21 APPLICABLE LAW, THE HEALTHY MARYLAND BOARD SHALL HAVE ALL POWERS
22 NECESSARY OR CONVENIENT TO CARRY OUT THE FUNCTIONS AUTHORIZED BY THE
23 AFFORDABLE CARE ACT AND CONSISTENT WITH THE PURPOSES OF HEALTHY
24 MARYLAND.

25 (B) THE ENUMERATION OF SPECIFIC POWERS IN THIS TITLE IS NOT
26 INTENDED TO RESTRICT THE BOARD'S POWER TO TAKE ANY LAWFUL ACTION THAT
27 THE BOARD DETERMINES IS NECESSARY OR CONVENIENT TO CARRY OUT THE
28 FUNCTIONS AUTHORIZED BY THE AFFORDABLE CARE ACT AND CONSISTENT WITH
29 THE PURPOSES OF HEALTHY MARYLAND.

30 (C) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE,

1 THE BOARD MAY:

2 (1) ADOPT AND ALTER AN OFFICIAL SEAL;

3 (2) ORGANIZE, ADMINISTER, AND MARKET HEALTHY MARYLAND AND
4 HEALTHY MARYLAND SERVICES AS A SINGLE-PAYER PROGRAM UNDER THE NAME
5 "HEALTHY MARYLAND" OR ANY OTHER NAME AS THE BOARD DETERMINES;

6 (3) SUE, BE SUED, PLEAD, AND BE IMPEADED;

7 (4) ADOPT BYLAWS, RULES, AND POLICIES;

8 (5) ADOPT REGULATIONS TO CARRY OUT THIS TITLE:

9 (I) IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE
10 GOVERNMENT ARTICLE; AND

11 (II) THAT DO NOT CONFLICT WITH OR PREVENT THE
12 APPLICATION OF REGULATIONS ADOPTED BY THE SECRETARY OF THE FEDERAL
13 DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER TITLE 1, SUBTITLE D OF
14 THE AFFORDABLE CARE ACT;

15 (6) MAINTAIN AN OFFICE AT THE PLACE DESIGNATED BY THE BOARD;

16 (7) CREATE COMMITTEES FROM AMONG ITS MEMBERS;

17 (8) MAKE AGREEMENTS WITH A GRANTOR OR PAYOR OF FUNDS,
18 PROPERTY, OR SERVICES;

19 (9) ENTER INTO ANY AGREEMENTS OR CONTRACTS AND EXECUTE
20 THE INSTRUMENTS NECESSARY OR CONVENIENT TO MANAGE ITS OWN AFFAIRS AND
21 CARRY OUT THE PURPOSES OF THIS TITLE, INCLUDING CONTRACTS WITH HEALTH
22 CARE PROVIDERS;

23 (10) APPLY FOR AND RECEIVE GIFTS, GRANTS, DONATIONS,
24 CONTRACTS, OR OTHER FUNDING FROM ANY AGENCY OF THE FEDERAL
25 GOVERNMENT, ANY AGENCY OF THE STATE, AND ANY MUNICIPALITY, COUNTY, OR
26 OTHER POLITICAL SUBDIVISION OF THE STATE;

27 (11) APPLY FOR AND RECEIVE GIFTS, GRANTS, DONATIONS,
28 CONTRACTS, OR OTHER PRIVATE OR PUBLIC FUNDING FROM INDIVIDUALS,
29 ASSOCIATIONS, PRIVATE FOUNDATIONS, AND CORPORATIONS, IN COMPLIANCE
30 WITH TITLE 5, SUBTITLES 1 THROUGH 7 OF THE GENERAL PROVISIONS ARTICLE;

1 **(12) SHARE INFORMATION WITH RELEVANT STATE ENTITIES,**
2 **CONSISTENT WITH THE CONFIDENTIALITY PROVISIONS IN THIS TITLE AND AS**
3 **NECESSARY FOR THE ADMINISTRATION OF HEALTHY MARYLAND; AND**

4 **(13) SUBJECT TO THE LIMITATIONS OF THIS TITLE, EXERCISE ANY**
5 **OTHER POWER THAT IS REASONABLY NECESSARY OR CONVENIENT TO CARRY OUT**
6 **THE PURPOSES OF THIS TITLE.**

7 **(D) (1) TO CARRY OUT THE PURPOSES OF THIS TITLE OR PERFORM ANY**
8 **OF ITS FUNCTIONS UNDER THIS TITLE, THE BOARD MAY CONTRACT OR ENTER INTO**
9 **MEMORANDA OF UNDERSTANDING WITH ELIGIBLE ENTITIES.**

10 **(2) THE OPERATIONS OF HEALTHY MARYLAND ARE SUBJECT TO THE**
11 **PROVISIONS OF THIS TITLE WHETHER THE OPERATIONS ARE PERFORMED DIRECTLY**
12 **BY HEALTHY MARYLAND OR THROUGH AN ENTITY UNDER A CONTRACT WITH**
13 **HEALTHY MARYLAND.**

14 **(3) THE BOARD SHALL ENSURE THAT ANY ENTITY UNDER A**
15 **CONTRACT WITH HEALTHY MARYLAND COMPLIES WITH THE PROVISIONS OF THIS**
16 **TITLE WHEN PERFORMING SERVICES THAT ARE SUBJECT TO THIS TITLE ON BEHALF**
17 **OF HEALTHY MARYLAND.**

18 **(E) (1) IN ACCORDANCE WITH TITLE 12, SUBTITLE 4 OF THE STATE**
19 **FINANCE AND PROCUREMENT ARTICLE, THE BOARD SHALL ADOPT WRITTEN**
20 **POLICIES AND PROCEDURES GOVERNING ALL PROCUREMENTS OF HEALTHY**
21 **MARYLAND.**

22 **(2) TO THE FULLEST EXTENT PRACTICABLE AND IN A MANNER THAT**
23 **DOES NOT IMPAIR HEALTHY MARYLAND'S ABILITY TO CARRY OUT THE PURPOSES**
24 **OF THIS TITLE, THE BOARD'S PROCUREMENT POLICIES AND PROCEDURES SHALL**
25 **ESTABLISH AN OPEN AND TRANSPARENT PROCESS THAT:**

26 **(I) PROMOTES PUBLIC CONFIDENCE IN THE PROCUREMENTS**
27 **OF HEALTHY MARYLAND;**

28 **(II) ENSURES FAIR AND EQUITABLE TREATMENT OF ALL**
29 **PERSONS AND ENTITIES THAT PARTICIPATE IN THE PROCUREMENT SYSTEM OF**
30 **HEALTHY MARYLAND;**

31 **(III) FOSTERS APPROPRIATE COMPETITION AND PROVIDES**
32 **SAFEGUARDS FOR MAINTAINING A PROCUREMENT SYSTEM OF QUALITY AND**
33 **INTEGRITY;**

1 (IV) PROMOTES INCREASED ECONOMIC EFFICIENCY AND
2 RESPONSIBILITY ON THE PART OF HEALTHY MARYLAND;

3 (V) ACHIEVES THE MAXIMUM BENEFIT FROM THE PURCHASING
4 POWER OF HEALTHY MARYLAND; AND

5 (VI) PROVIDES CLARITY AND SIMPLICITY IN THE RULES AND
6 PROCEDURES GOVERNING THE PROCUREMENTS OF HEALTHY MARYLAND.

7 (F) TO CARRY OUT THE PURPOSES OF THIS TITLE, THE BOARD SHALL:

8 (1) CONSULT WITH AND SOLICIT INPUT FROM THE ADVISORY
9 COMMITTEE AND ANY OTHER PERSON AS THE BOARD DETERMINES IS
10 APPROPRIATE;

11 (2) PROMOTE THE PUBLIC UNDERSTANDING AND AWARENESS OF
12 AVAILABLE BENEFITS AND PROGRAMS OF HEALTHY MARYLAND;

13 (3) AVOID JEOPARDIZING FEDERAL FINANCIAL PARTICIPATION IN
14 THE PROGRAMS THAT ARE INCORPORATED INTO HEALTHY MARYLAND;

15 (4) ENSURE THAT THERE IS ADEQUATE FUNDING TO MEET THE
16 HEALTH CARE NEEDS OF RESIDENTS AND TO COMPENSATE HEALTH CARE
17 PROVIDERS THAT PARTICIPATE IN HEALTHY MARYLAND;

18 (5) EVALUATE REQUESTS FOR CAPITAL EXPENSES REQUIRED TO
19 MEET THE HEALTH CARE NEEDS OF RESIDENTS;

20 (6) APPROVE THE BENEFITS PROVIDED BY HEALTHY MARYLAND;

21 (7) EVALUATE THE PERFORMANCE OF HEALTHY MARYLAND;

22 (8) EVALUATE AND MAKE RECOMMENDATIONS TO THE GENERAL
23 ASSEMBLY ON ANY LEGISLATION RELATED TO HEALTHY MARYLAND;

24 (9) GUARANTEE THAT MECHANISMS FOR PUBLIC FEEDBACK ARE
25 ACCESSIBLE AND NONDISCRIMINATORY; AND

26 (10) DEVELOP A PLAN TO COORDINATE THE ACTIVITIES OF HEALTHY
27 MARYLAND WITH THE ACTIVITIES OF THE MARYLAND HEALTH CARE COMMISSION,
28 THE HEALTH SERVICES COST REVIEW COMMISSION, AND THE DEPARTMENT TO
29 ENSURE APPROPRIATE PLANNING FOR THE EFFECTIVE DELIVERY AND EQUITABLE

1 DISTRIBUTION OF HEALTH CARE SERVICES THROUGHOUT THE STATE.

2 (G) THE BOARD SHALL PROVIDE GRANTS FROM FUNDS IN THE HEALTHY
3 MARYLAND TRUST FUND OR FUNDS OTHERWISE APPROPRIATED FOR HEALTH
4 PLANNING TO THE HEALTH PLANNING PROGRAMS ESTABLISHED BY THE MARYLAND
5 HEALTH CARE COMMISSION TO SUPPORT THE OPERATION OF THOSE PROGRAMS.

6 (H) THE BOARD SHALL PROVIDE FUNDS FROM THE FUND OR FUNDS
7 OTHERWISE APPROPRIATED FOR THE PURPOSE OF WORKER RETRAINING AND JOB
8 TRANSITION ASSISTANCE TO THE DEPARTMENT OF LABOR, LICENSING, AND
9 REGULATION FOR:

10 (1) A PROGRAM FOR RETRAINING AND ASSISTING JOB TRANSITION
11 FOR INDIVIDUALS EMPLOYED OR PREVIOUSLY EMPLOYED IN THE FIELDS OF
12 HEALTH INSURANCE, HEALTH CARE SERVICE PLANS, AND OTHER THIRD-PARTY
13 PAYMENTS FOR HEALTH CARE; AND

14 (2) A PROGRAM FOR RETRAINING AND ASSISTING JOB TRANSITION
15 FOR THOSE INDIVIDUALS EMPLOYED OR PREVIOUSLY EMPLOYED IN FIELDS
16 PROVIDING SERVICES TO HEALTH CARE PROVIDERS TO DEAL WITH THIRD-PARTY
17 PAYORS FOR HEALTH CARE, WHOSE JOBS MAY BE OR HAVE BEEN ENDED AS A
18 RESULT OF THE IMPLEMENTATION OF HEALTHY MARYLAND.

19 (I) (1) FOR UP TO 5 YEARS FOLLOWING THE DATE ON WHICH BENEFITS
20 FIRST BECOME AVAILABLE UNDER HEALTHY MARYLAND, THE BOARD SHALL
21 PROVIDE AT LEAST 1% OF THE ANNUAL BUDGET OF HEALTHY MARYLAND TO
22 PROGRAMS PROVIDING ASSISTANCE TO WORKERS WHO PERFORM FUNCTIONS IN
23 THE ADMINISTRATION OF HEALTH INSURANCE OR OTHERS WHO MAY BE AFFECTED
24 BY THE IMPLEMENTATION OF HEALTHY MARYLAND AND WHO MAY EXPERIENCE
25 ECONOMIC DISLOCATION AS A RESULT OF THE IMPLEMENTATION OF THIS TITLE.

26 (2) THE ASSISTANCE DESCRIBED IN PARAGRAPH (1) OF THIS
27 SUBSECTION SHALL INCLUDE WAGE REPLACEMENT, RETIREMENT BENEFITS, JOB
28 TRAINING, AND EDUCATION BENEFITS.

29 (J) THE BOARD SHALL CARRY OUT THE FUNCTIONS REQUIRED OF THE
30 BOARD UNDER TITLE 31 OF THE INSURANCE ARTICLE UNTIL THE MARYLAND
31 HEALTH BENEFIT EXCHANGE CEASES TO OPERATE IN THE STATE.

32 (K) THE BOARD MAY CONTRACT WITH NONPROFIT ORGANIZATIONS TO
33 PROVIDE:

34 (1) ASSISTANCE TO CONSUMERS IN ENROLLING, OBTAINING HEALTH

1 CARE SERVICES, DISENROLLING, AND OTHER MATTERS RELATING TO HEALTHY
2 MARYLAND; AND

3 (2) ASSISTANCE TO HEALTH CARE PROVIDERS PROVIDING, SEEKING,
4 OR CONSIDERING WHETHER TO PROVIDE HEALTH CARE SERVICES UNDER THE
5 PROGRAM.

6 (L) THE BOARD MAY DELEGATE TO THE EXECUTIVE DIRECTOR ANY OF ITS
7 DUTIES UNDER THIS SECTION.

8 25-304.

9 (A) (1) SUBJECT TO § 25-201(C) OF THIS TITLE, THE BOARD SHALL
10 DETERMINE WHEN INDIVIDUALS MAY BEGIN ENROLLING IN HEALTHY MARYLAND.

11 (2) HEALTHY MARYLAND SHALL HAVE AN IMPLEMENTATION PERIOD
12 THAT SHALL:

13 (I) BEGIN ON THE DATE THAT INDIVIDUALS MAY BEGIN
14 ENROLLING IN HEALTHY MARYLAND UNDER PARAGRAPH (1) OF THIS SUBSECTION;
15 AND

16 (II) END ON A DATE DETERMINED BY THE BOARD.

17 (B) (1) THE BOARD SHALL ADOPT RULES OR REGULATIONS ON STATE
18 RESIDENCE REQUIREMENTS UNDER HEALTHY MARYLAND.

19 (2) IN ADOPTING RULES OR REGULATIONS UNDER PARAGRAPH (1) OF
20 THIS SUBSECTION, THE BOARD SHALL BE GUIDED BY THE STATE RESIDENCE
21 REQUIREMENTS FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE
22 MARYLAND CHILDREN'S HEALTH INSURANCE PROGRAM.

23 (C) A CARRIER MAY NOT OFFER BENEFITS OR COVER ANY SERVICES FOR
24 WHICH COVERAGE IS OFFERED TO INDIVIDUALS UNDER HEALTHY MARYLAND.

25 (D) A CARRIER THAT IS ISSUED A CERTIFICATE OF AUTHORITY BY THE
26 MARYLAND INSURANCE COMMISSIONER MAY OFFER:

27 (1) BENEFITS THAT DO NOT DUPLICATE THE HEALTH CARE SERVICES
28 COVERED BY HEALTHY MARYLAND;

29 (2) BENEFITS TO OR FOR INDIVIDUALS, INCLUDING THE
30 INDIVIDUALS' FAMILIES, WHO ARE EMPLOYED OR SELF-EMPLOYED IN THE STATE

1 BUT WHO ARE NOT RESIDENTS OF THE STATE; AND

2 (3) BENEFITS DURING THE IMPLEMENTATION PERIOD TO
3 INDIVIDUALS WHO ENROLLED OR MAY ENROLL AS MEMBERS OF HEALTHY
4 MARYLAND.

5 (E) THIS TITLE DOES NOT PROHIBIT A RESIDENT WHO IS EMPLOYED
6 OUTSIDE THE STATE FROM CHOOSING TO RECEIVE HEALTH INSURANCE BENEFITS
7 THROUGH THE RESIDENT'S EMPLOYER AND OPTING OUT OF PARTICIPATION IN
8 HEALTHY MARYLAND.

9 (F) AFTER THE END OF THE IMPLEMENTATION PERIOD, EACH BOARD
10 MEMBER SHALL ENROLL AS A MEMBER OF HEALTHY MARYLAND.

11 (G) (1) ON OR BEFORE DECEMBER 1, 2019, THE BOARD SHALL SUBMIT
12 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE
13 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT ON ANY CHANGES TO
14 THE LAWS OF THE STATE AND UNITS OF STATE GOVERNMENT NECESSARY TO
15 EFFECTIVELY CARRY OUT THE PROVISIONS OF THIS TITLE.

16 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS
17 SUBSECTION SHALL INCLUDE RECOMMENDATIONS ON THE REPEAL OR AMENDMENT
18 OF ANY LAWS OF THE STATE THAT ARE INCONSISTENT WITH THIS ACT.

19 (H) ON OR BEFORE DECEMBER 1, 2019, THE BOARD SHALL APPLY FOR ALL
20 WAIVERS FROM THE PROVISIONS OF THE EMPLOYMENT RETIREMENT INCOME
21 SECURITY ACT THAT ARE NECESSARY TO ENSURE THE PARTICIPATION OF ALL
22 RESIDENTS OF THE STATE IN HEALTHY MARYLAND.

23 (I) THE BOARD SHALL DEVELOP PROPOSALS FOR ACCOMMODATING
24 EMPLOYER RETIREE HEALTH BENEFITS FOR:

25 (1) INDIVIDUALS WHO HAVE BEEN MEMBERS OF HEALTHY
26 MARYLAND BUT LIVE AS RETIREES OUTSIDE THE STATE; AND

27 (2) INDIVIDUALS WHO EARNED OR ACCRUED THOSE BENEFITS WHILE
28 RESIDING IN THE STATE BEFORE THE IMPLEMENTATION OF HEALTHY MARYLAND
29 AND LIVE AS RETIREES OUTSIDE THE STATE.

30 (J) THE BOARD SHALL DEVELOP A PROPOSAL FOR HEALTHY MARYLAND
31 COVERAGE OF HEALTH CARE SERVICES CURRENTLY COVERED UNDER THE STATE
32 WORKERS' COMPENSATION SYSTEM, INCLUDING WHETHER AND HOW TO:

1 **(1) CONTINUE FUNDING FOR THOSE SERVICES UNDER THE WORKERS'**
2 **COMPENSATION SYSTEM; AND**

3 **(2) INCORPORATE AN ELEMENT OF EXPERIENCE RATING.**

4 **25-305.**

5 **(A) THE HEALTHY MARYLAND BOARD SHALL REQUIRE AND ENFORCE THE**
6 **COLLECTION AND AVAILABILITY OF ALL THE FOLLOWING DATA TO PROMOTE**
7 **TRANSPARENCY, ASSESS QUALITY OF PATIENT CARE, COMPARE PATIENT**
8 **OUTCOMES, AND REVIEW UTILIZATION OF HEALTH CARE SERVICES PAID FOR BY**
9 **HEALTHY MARYLAND:**

10 **(1) HOSPITAL INPATIENT DISCHARGE DATA FOR EACH DISCHARGE,**
11 **INCLUDING SEVERITY OF ILLNESS, RISK OF MORTALITY, COST DATA, CHARGE DATA,**
12 **LENGTH OF STAY DATA, AND PATIENT CARE UNIT DATA;**

13 **(2) EMERGENCY DEPARTMENT, AMBULATORY SURGERY CENTER,**
14 **AND OTHER OUTPATIENT FACILITIES DATA FOR EACH MEMBER RECEIVING ITEMS**
15 **AND SERVICES, INCLUDING COST DATA, CHARGE DATA, LENGTH OF STAY DATA, AND**
16 **PATIENT CARE UNIT DATA;**

17 **(3) ANNUAL FINANCIAL DATA FOR ALL INSTITUTIONAL PROVIDERS**
18 **RECEIVING PAYMENT UNDER § 25-802 OF THIS TITLE, INCLUDING:**

19 **(i) THE DOLLAR VALUE AT COST OF COMMUNITY BENEFITS**
20 **ACTIVITIES, INCLUDING CHARITY CARE, PROVIDED BY THE INSTITUTIONAL**
21 **PROVIDER;**

22 **(ii) NUMBER OF EMPLOYEES BY JOB CLASSIFICATION FOR**
23 **EACH HOSPITAL AND OUTPATIENT UNIT;**

24 **(iii) NUMBER OF HOURS WORKED BY JOB CLASSIFICATION FOR**
25 **EACH HOSPITAL AND OUTPATIENT UNIT;**

26 **(iv) EMPLOYEE WAGE INFORMATION BY JOB CLASSIFICATION**
27 **FOR EACH HOSPITAL AND OUTPATIENT UNIT;**

28 **(v) NUMBER OF REGISTERED NURSES PER STAFFED BED BY**
29 **HOSPITAL UNIT;**

30 **(vi) TYPE AND DOLLAR VALUE OF HEALTH INFORMATION**
31 **TECHNOLOGY; AND**

1 (VII) ANNUAL SPENDING ON HEALTH INFORMATION
2 TECHNOLOGY, INCLUDING PURCHASES, UPGRADES, AND MAINTENANCE;

3 (4) RISK-ADJUSTED AND RAW DATA ON PATIENT OUTCOMES,
4 INCLUDING DATA ON MEDICAL, SURGICAL, OBSTETRIC, AND OTHER PROCEDURES;

5 (5) PHYSICIAN SERVICES AND OFFICE VISITS, INCLUDING COST DATA
6 AND CHARGE DATA; AND

7 (6) PRESCRIPTION DRUG COST DATA AND CHARGE DATA FOR
8 PRESCRIPTION DRUGS PRESCRIBED AND DISPENSED THROUGH HOSPITALS,
9 EMERGENCY DEPARTMENTS, AMBULATORY SURGERY CENTERS AND OTHER
10 OUTPATIENT FACILITIES, OR A PHYSICIAN'S OFFICE; AND

11 (7) ANY OTHER DATA THAT THE PROVIDER REPORTS TO ANY OTHER
12 STATE, LOCAL, OR FEDERAL AGENCY.

13 (B) DATA COLLECTED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE
14 REPORTED TO THE HEALTH SERVICES COST REVIEW COMMISSION.

15 (C) THIS SECTION DOES NOT CHANGE OR IMPACT IN ANY WAY PROVIDER
16 REPORTING REQUIREMENTS TO ANY STATE, LOCAL, OR FEDERAL AGENCY AS
17 ESTABLISHED UNDER STATE LAW.

18 (D) THE BOARD SHALL ESTABLISH REPORTING REQUIREMENTS AND
19 STANDARDS NECESSARY TO EVALUATE AND ELIMINATE HEALTH CARE DISPARITIES,
20 INCLUDING GEOGRAPHIC, RACIAL, INCOME-BASED, GENDER-BASED, SEX-BASED,
21 AND OTHER DISPARITIES.

22 (E) THE BOARD SHALL MAKE ALL DISCLOSED DATA COLLECTED UNDER
23 SUBSECTION (A) OF THIS SECTION PUBLICLY AVAILABLE THROUGH:

24 (1) A SEARCHABLE INTERNET WEBSITE; AND

25 (2) THE HEALTH SERVICES COST REVIEW COMMISSION.

26 (F) THE BOARD SHALL, DIRECTLY AND THROUGH GRANTS TO NONPROFIT
27 ORGANIZATIONS, CONDUCT PROGRAMS USING DATA COLLECTED THROUGH
28 HEALTHY MARYLAND TO PROMOTE AND PROTECT PUBLIC, ENVIRONMENTAL, AND
29 OCCUPATIONAL HEALTH, INCLUDING COOPERATION WITH OTHER DATA
30 COLLECTION AND RESEARCH PROGRAMS OF THE MARYLAND HEALTH CARE
31 COMMISSION, THE HEALTH SERVICES COST REVIEW COMMISSION, AND THE

1 DEPARTMENT CONSISTENT WITH THIS TITLE AND OTHERWISE APPLICABLE LAW.

2 (G) BEFORE FULL IMPLEMENTATION OF HEALTHY MARYLAND, THE BOARD
3 SHALL PROVIDE FOR THE COLLECTION AND AVAILABILITY OF THE FOLLOWING DATA
4 FROM HOSPITALS AND OTHER PROVIDERS THAT SEEK TO PARTICIPATE IN HEALTHY
5 MARYLAND:

6 (1) FINANCIAL DATA;

7 (2) THE NUMBER OF PATIENTS SERVED;

8 (3) THE ACTUAL EXPENDITURES AND DOLLAR VALUE OF THE CARE
9 PROVIDED, AT COST, FOR THE FOLLOWING CATEGORIES OF DATA ITEMS:

10 (I) PATIENTS RECEIVING CHARITY CARE;

11 (II) CONTRACTUAL ADJUSTMENTS OF COUNTY AND INDIGENT
12 PROGRAMS, INCLUDING TRADITIONAL AND MANAGED CARE; AND

13 (III) BAD DEBTS.

14 SUBTITLE 4. HEALTHY MARYLAND PUBLIC ADVISORY COMMITTEE.

15 25-401.

16 (A) THERE IS A HEALTHY MARYLAND PUBLIC ADVISORY COMMITTEE.

17 (B) THE COMMITTEE CONSISTS OF THE FOLLOWING MEMBERS:

18 (1) FOUR PHYSICIANS WHO ARE BOARD CERTIFIED IN THE
19 PHYSICIANS' RESPECTIVE FIELDS:

20 (I) AT LEAST ONE OF WHOM SHALL BE A PSYCHIATRIST;

21 (II) ONE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF
22 THE SENATE;

23 (III) ONE OF WHOM SHALL BE APPOINTED BY THE GOVERNOR;
24 AND

25 (IV) TWO OF WHOM SHALL BE:

26 1. APPOINTED BY THE SPEAKER OF THE HOUSE; AND

2. PRIMARY CARE PROVIDERS;

(2) TWO REGISTERED NURSES, APPOINTED BY THE PRESIDENT OF THE SENATE;

(3) ONE LICENSED ALLIED HEALTH PRACTITIONER, APPOINTED BY THE SPEAKER OF THE HOUSE;

(4) ONE BEHAVIORAL HEALTH CARE PROVIDER, APPOINTED BY THE PRESIDENT OF THE SENATE;

(5) ONE DENTIST, APPOINTED BY THE GOVERNOR;

(6) ONE REPRESENTATIVE OF PRIVATE HOSPITALS, APPOINTED BY THE GOVERNOR;

(7) ONE REPRESENTATIVE OF PUBLIC HOSPITALS, APPOINTED BY THE GOVERNOR;

(8) FOUR CONSUMERS OF HEALTH CARE:

(I) TWO OF WHOM SHALL BE APPOINTED BY THE GOVERNOR, INCLUDING ONE WHO IS A MEMBER OF THE DISABLED COMMUNITY;

(II) ONE OF WHOM SHALL BE:

1. APPOINTED BY THE PRESIDENT OF THE SENATE; AND

2. A MEMBER OF HEALTHY MARYLAND WHO IS AT LEAST 65 YEARS OLD; AND

(III) ONE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE;

(9) TWO REPRESENTATIVES OF ORGANIZED LABOR:

(I) ONE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) ONE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE;

1 **(10) ONE REPRESENTATIVE OF ESSENTIAL COMMUNITY PROVIDERS,**
2 **APPOINTED BY THE PRESIDENT OF THE SENATE;**

3 **(11) ONE REPRESENTATIVE OF A SMALL BUSINESS THAT EMPLOYS**
4 **FEWER THAN 25 EMPLOYEES, APPOINTED BY THE GOVERNOR;**

5 **(12) ONE REPRESENTATIVE OF A LARGE BUSINESS THAT EMPLOYS**
6 **MORE THAN 250 EMPLOYEES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND**

7 **(13) ONE PHARMACIST, APPOINTED BY THE SPEAKER OF THE HOUSE.**

8 **(C) EACH COMMITTEE MEMBER SHALL HAVE WORKED IN THE FIELD THE**
9 **MEMBER REPRESENTS ON THE COMMITTEE FOR A PERIOD OF AT LEAST 2 YEARS**
10 **BEFORE BEING APPOINTED TO THE COMMITTEE.**

11 **(D) (1) THE TERM OF A MEMBER IS 4 YEARS.**

12 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE**
13 **TERMS PROVIDED FOR MEMBERS OF THE HEALTHY MARYLAND PUBLIC ADVISORY**
14 **COMMITTEE ON JULY 1, 2019.**

15 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**
16 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

17 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**
18 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**
19 **QUALIFIES.**

20 **(5) (I) IF A VACANCY OCCURS, THE APPOINTING AUTHORITY**
21 **PROMPTLY SHALL APPOINT A SUCCESSOR WHO SHALL SERVE UNTIL THE TERM**
22 **EXPIRES.**

23 **(II) A MEMBER APPOINTED UNDER SUBPARAGRAPH (I) OF THIS**
24 **PARAGRAPH MAY BE REAPPOINTED FOR A FULL TERM.**

25 **(6) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE**
26 **TERMS.**

27 **(7) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A**
28 **CHAIR WHO SHALL SERVE 2 YEARS AND WHO MAY BE REELECTED FOR AN**
29 **ADDITIONAL 2 YEARS.**

30 **(E) IN MAKING APPOINTMENTS OF MEMBERS UNDER SUBSECTION (B) OF**

1 THIS SECTION, THE APPOINTING AUTHORITY SHALL MAKE GOOD FAITH EFFORTS TO
2 ENSURE THAT THE APPOINTMENTS, AS A WHOLE, REFLECT, TO THE GREATEST
3 EXTENT FEASIBLE, THE SOCIOECONOMIC AND GEOGRAPHIC DIVERSITY OF THE
4 STATE.

5 (F) THE COMMITTEE SHALL ADVISE THE BOARD ON ALL MATTERS OF
6 POLICY RELATED TO HEALTHY MARYLAND.

7 (G) A COMMITTEE MEMBER OR ANY OF THE MEMBER'S ASSISTANTS,
8 CLERKS, OR DEPUTIES MAY NOT USE FOR PERSONAL BENEFIT ANY INFORMATION
9 THAT IS:

10 (1) FILED WITH, OR OBTAINED BY, THE COMMITTEE; AND

11 (2) NOT GENERALLY AVAILABLE TO THE PUBLIC.

12 (H) (1) THE COMMITTEE SHALL MEET AT LEAST 6 TIMES PER YEAR IN A
13 PLACE CONVENIENT TO THE PUBLIC SUBJECT TO TITLE 3 OF THE GENERAL
14 PROVISIONS ARTICLE.

15 (2) ELEVEN MEMBERS OF THE COMMITTEE CONSTITUTE A QUORUM.

16 (3) ACTION BY THE COMMITTEE REQUIRES THE AFFIRMATIVE VOTE
17 OF AT LEAST 12 MEMBERS.

18 (I) A MEMBER OF THE COMMITTEE:

19 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
20 COMMITTEE; BUT

21 (2) IS ENTITLED TO:

22 (i) A PER DIEM AS PROVIDED IN THE STATE BUDGET FOR
23 ATTENDING SCHEDULED MEETINGS OF THE COMMITTEE; AND

24 (ii) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD
25 STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

26 (J) A MEMBER OF THE COMMITTEE SHALL PERFORM THE MEMBER'S
27 DUTIES:

28 (1) IN GOOD FAITH;

1 **(2) IN THE MANNER THE MEMBER REASONABLY BELIEVES TO BE IN**
2 **THE BEST INTEREST OF HEALTHY MARYLAND; AND**

3 **(3) WITHOUT INTENTIONAL OR RECKLESS DISREGARD OF THE CARE**
4 **AN ORDINARILY PRUDENT PERSON IN A LIKE POSITION WOULD USE UNDER SIMILAR**
5 **CIRCUMSTANCES.**

6 **(K) (1) (I) A MEMBER OF THE COMMITTEE SHALL BE SUBJECT TO**
7 **TITLE 5, SUBTITLES 1 THROUGH 7 OF THE GENERAL PROVISIONS ARTICLE.**

8 **(II) IN ADDITION TO THE DISCLOSURE REQUIRED UNDER TITLE**
9 **5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE, A MEMBER OF THE**
10 **COMMITTEE SHALL DISCLOSE TO THE COMMITTEE AND TO THE PUBLIC ANY**
11 **RELATIONSHIP NOT ADDRESSED IN THE REQUIRED FINANCIAL DISCLOSURE THAT**
12 **THE MEMBER HAS WITH:**

13 1. **A HEALTH CARE PROVIDER;**

14 2. **A HEALTH CLINIC;**

15 3. **A PHARMACEUTICAL COMPANY;**

16 4. **A MEDICAL EQUIPMENT COMPANY;**

17 5. **A CARRIER;**

18 6. **AN INSURANCE PRODUCER;**

19 7. **A THIRD-PARTY ADMINISTRATOR;**

20 8. **A MANAGED CARE ORGANIZATION; OR**

21 9. **ANY OTHER ENTITY IN AN INDUSTRY INVOLVED IN**
22 **MATTERS LIKELY TO COME BEFORE THE COMMITTEE.**

23 **(2) ON ALL MATTERS THAT COME BEFORE THE COMMITTEE, A**
24 **MEMBER SHALL:**

25 **(I) ADHERE STRICTLY TO THE CONFLICT OF INTEREST**
26 **PROVISIONS UNDER TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS ARTICLE**
27 **RELATING TO RESTRICTIONS ON PARTICIPATION, EMPLOYMENT, AND FINANCIAL**
28 **INTERESTS; AND**

1 **(II) PROVIDE FULL DISCLOSURE TO THE COMMITTEE AND THE**
2 **PUBLIC ON:**

3 1. **ANY MATTER THAT GIVES RISE TO A POTENTIAL**
4 **CONFLICT OF INTEREST; AND**

5 2. **THE MANNER IN WHICH THE MEMBER WILL COMPLY**
6 **WITH THE PROVISIONS OF TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS**
7 **ARTICLE TO AVOID ANY CONFLICT OF INTEREST OR APPEARANCE OF A CONFLICT**
8 **OF INTEREST.**

9 **(L) A MEMBER OF THE COMMITTEE WHO PERFORMS THE MEMBER'S DUTIES**
10 **IN ACCORDANCE WITH THE STANDARD ESTABLISHED UNDER SUBSECTION (J) OF**
11 **THIS SECTION MAY NOT BE LIABLE PERSONALLY FOR ACTIONS TAKEN AS A MEMBER**
12 **WHEN DONE IN GOOD FAITH, WITHOUT INTENT TO DEFRAUD, AND IN CONNECTION**
13 **WITH THE ADMINISTRATION, MANAGEMENT, OR CONDUCT OF THIS TITLE OR**
14 **ACTIONS RELATED TO THIS TITLE.**

15 **(M) A MEMBER OF THE COMMITTEE MAY BE REMOVED FOR INCOMPETENCE,**
16 **MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.**

17 **SUBTITLE 5. ELIGIBILITY AND ENROLLMENT.**

18 **25-501.**

19 **(A) EACH RESIDENT OF THE STATE IS ELIGIBLE TO:**

20 **(1) ENROLL AS A MEMBER OF HEALTHY MARYLAND; AND**

21 **(2) RECEIVE BENEFITS FOR HEALTH CARE SERVICES COVERED BY**
22 **HEALTHY MARYLAND.**

23 **(B) MEMBERS OF HEALTHY MARYLAND ARE NOT REQUIRED TO PAY ANY**
24 **FEE, PAYMENT, OR OTHER CHARGE FOR ENROLLING IN OR BEING A MEMBER UNDER**
25 **HEALTHY MARYLAND.**

26 **(C) A PARTICIPATING PROVIDER MAY NOT:**

27 **(1) REQUIRE HEALTHY MARYLAND MEMBERS TO PAY ANY PREMIUM,**
28 **CO-PAYMENT, COINSURANCE, DEDUCTIBLE, OR ANY OTHER FORM OF COST SHARING**
29 **FOR ANY COVERED BENEFITS;**

30 **(2) USE PREEXISTING MEDICAL CONDITIONS TO DETERMINE THE**

1 ELIGIBILITY OF A MEMBER TO RECEIVE BENEFITS FOR HEALTH CARE SERVICES
2 COVERED BY HEALTHY MARYLAND; OR

3 (3) REFUSE TO PROVIDE HEALTH CARE SERVICES TO A MEMBER ON
4 THE BASIS OF:

5 (I) RACE;

6 (II) COLOR;

7 (III) RELIGION OR CREED;

8 (IV) SEX;

9 (V) AGE;

10 (VI) ANCESTRY OR NATIONAL ORIGIN;

11 (VII) MARITAL STATUS;

12 (VIII) MENTAL OR PHYSICAL DISABILITY;

13 (IX) SEXUAL ORIENTATION;

14 (X) GENDER IDENTITY OR EXPRESSION;

15 (XI) CITIZENSHIP;

16 (XII) IMMIGRATION STATUS;

17 (XIII) PRIMARY LANGUAGE;

18 (XIV) MEDICAL CONDITION;

19 (XV) GENETIC INFORMATION;

20 (XVI) FAMILIAL STATUS;

21 (XVII) MILITARY OR VETERAN STATUS;

22 (XVIII) GEOGRAPHY; OR

23 (XIV) SOURCE OF INCOME.

1 (D) A COLLEGE, A UNIVERSITY, OR ANY OTHER INSTITUTION OF HIGHER
2 EDUCATION IN THE STATE MAY PURCHASE COVERAGE UNDER HEALTHY MARYLAND
3 FOR A STUDENT, OR A STUDENT'S DEPENDENT, WHO IS NOT A RESIDENT OF THE
4 STATE.

5 **25-502.**

6 (A) IF A STATE RESIDENT IS EMPLOYED OUTSIDE THE STATE BY AN
7 EMPLOYER THAT IS SUBJECT TO STATE LAW, THE EMPLOYER AND EMPLOYEE SHALL
8 PAY ANY PAYROLL PREMIUM ADOPTED UNDER THIS TITLE AS TO THAT EMPLOYEE
9 AS IF THE EMPLOYMENT WERE IN THE STATE.

10 (B) IF A STATE RESIDENT IS EMPLOYED OUTSIDE THE STATE BY AN
11 EMPLOYER THAT IS NOT SUBJECT TO STATE LAW, EITHER:

12 (1) THE EMPLOYER AND EMPLOYEE SHALL VOLUNTARILY PAY ANY
13 PAYROLL PREMIUM ADOPTED UNDER THIS TITLE AS TO THAT EMPLOYEE AS IF THE
14 EMPLOYMENT WERE IN THE STATE; OR

15 (2) THE EMPLOYEE SHALL PAY THE PAYROLL PREMIUM ADOPTED
16 UNDER THIS TITLE AS IF THE EMPLOYEE WERE SELF-EMPLOYED.

17 (C) ANY PAYROLL PREMIUM ADOPTED UNDER THIS TITLE APPLIES TO:

18 (1) AN OUT-OF-STATE RESIDENT EMPLOYED IN THE STATE; AND

19 (2) AN OUT-OF-STATE RESIDENT SELF-EMPLOYED IN THE STATE.

20 (D) (1) A STATE RESIDENT WHO IS EMPLOYED OUTSIDE THE STATE MAY
21 CHOOSE TO RECEIVE HEALTH INSURANCE BENEFITS THROUGH THE RESIDENT'S
22 EMPLOYER AND OPT OUT OF PARTICIPATION IN HEALTHY MARYLAND.

23 (2) THE BOARD SHALL DEVELOP AND IMPLEMENT RULES
24 ESTABLISHING PROCEDURES FOR STATE RESIDENTS EMPLOYED OUTSIDE THE
25 STATE TO OPT OUT OF PARTICIPATION IN HEALTHY MARYLAND.

26 (E) NEGOTIATED HEALTH INSURANCE CONTRIBUTIONS MADE BY
27 EMPLOYERS ON BEHALF OF EMPLOYEES WHO ARE WORKING IN THE STATE BUT
28 RESIDING OUTSIDE THE STATE MAY NOT BE ABRIDGED BY THIS TITLE.

29 **25-503.**

1 (A) (1) IF AN OUT-OF-STATE RESIDENT IS EMPLOYED IN THE STATE, THE
2 OUT-OF-STATE RESIDENT AND THE OUT-OF-STATE RESIDENT'S EMPLOYER MAY
3 TAKE A CREDIT AGAINST ANY PAYROLL PREMIUM ADOPTED UNDER THIS TITLE THAT
4 THE INDIVIDUAL OR THE INDIVIDUAL'S EMPLOYER WOULD OTHERWISE PAY AS TO
5 THAT INDIVIDUAL.

6 (2) THE CREDIT TAKEN UNDER THIS SUBSECTION IS FOR AMOUNTS
7 SPENT ON HEALTH BENEFITS FOR THE INDIVIDUAL THAT WOULD OTHERWISE BE
8 COVERED BY HEALTHY MARYLAND IF THAT INDIVIDUAL WERE A MEMBER OF
9 HEALTHY MARYLAND.

10 (3) THE CREDIT TAKEN UNDER THIS SUBSECTION SHALL BE
11 DISTRIBUTED BETWEEN THE INDIVIDUAL AND EMPLOYER IN THE SAME
12 PROPORTION AS THE SPENDING BY EACH FOR THE HEALTH BENEFITS.

13 (4) AN EMPLOYER AND EMPLOYEE MAY APPLY THEIR RESPECTIVE
14 PORTION OF THE CREDIT AVAILABLE UNDER THIS SUBSECTION TO THEIR
15 RESPECTIVE PORTION OF THE PAYROLL PREMIUM ADOPTED UNDER THIS TITLE.

16 (B) (1) IF AN OUT-OF-STATE RESIDENT IS SELF-EMPLOYED IN THE
17 STATE, THE INDIVIDUAL MAY TAKE A CREDIT AGAINST ANY PAYROLL PREMIUM
18 ADOPTED UNDER THIS TITLE THAT THE INDIVIDUAL WOULD OTHERWISE PAY.

19 (2) A CREDIT TAKEN UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
20 FOR AMOUNTS THE INDIVIDUAL SPENDS ON HEALTH BENEFITS THAT WOULD
21 OTHERWISE BE COVERED BY HEALTHY MARYLAND IF THE INDIVIDUAL WERE A
22 MEMBER OF HEALTHY MARYLAND.

23 (C) (1) A CREDIT TAKEN BY INDIVIDUALS UNDER SUBSECTION (B) OF
24 THIS SECTION IS LIMITED TO SPENDING FOR HEALTH BENEFITS.

25 (2) AN INDIVIDUAL MAY NOT TAKE A CREDIT UNDER SUBSECTION (B)
26 OF THIS SECTION FOR OUT-OF-POCKET HEALTH CARE SPENDING.

27 (D) A CREDIT UNDER THIS SECTION IS AVAILABLE REGARDLESS OF:

28 (1) THE COST OR COMPREHENSIVENESS OF THE HEALTH BENEFIT;
29 AND

30 (2) THE FORM OF THE HEALTH BENEFIT.

31 (E) (1) AN EMPLOYER OR INDIVIDUAL MAY TAKE A CREDIT UNDER THIS
32 SECTION ONLY AGAINST PAYROLL PREMIUMS ADOPTED UNDER THIS TITLE.

1 **(2) AN EMPLOYER OR INDIVIDUAL MAY NOT APPLY ANY HEALTH**
2 **BENEFIT SPENDING IN EXCESS OF THE PAYROLL PREMIUM TO OTHER TAX LIABILITY.**

3 **SUBTITLE 6. BENEFITS.**

4 **25-601.**

5 **(A) (1) COVERED HEALTH CARE BENEFITS UNDER HEALTHY MARYLAND**
6 **SHALL INCLUDE ALL MEDICAL CARE PROVIDED TO A MEMBER THAT IS:**

7 **(I) MEDICALLY NECESSARY OR APPROPRIATE AS DETERMINED**
8 **BY THE MEMBER'S:**

9 **1. TREATING PHYSICIAN; OR**

10 **2. HEALTH CARE PROVIDER WHO, IN ACCORDANCE**
11 **WITH THE PROVIDER'S SCOPE OF PRACTICE AND LICENSURE, IS AUTHORIZED TO**
12 **ESTABLISH A MEDICAL DIAGNOSIS AND HAS MADE A MEDICAL ASSESSMENT OF THE**
13 **MEMBER'S CONDITION; AND**

14 **(II) IN ACCORDANCE WITH THE HEALTHY MARYLAND**
15 **STANDARDS ESTABLISHED IN SUBTITLE 8 OF THIS TITLE AND BY THE BOARD.**

16 **(2) A MEMBER'S TREATING PHYSICIAN OR ANY OTHER HEALTH CARE**
17 **PROVIDER TREATING THE MEMBER IS:**

18 **(I) AN APPROVED HEALTH CARE PROVIDER UNDER § 25-701**
19 **OF THIS TITLE; AND**

20 **(II) IN ACCORDANCE WITH THE PROVIDER'S SCOPE OF**
21 **PRACTICE AND LICENSURE, AUTHORIZED TO ESTABLISH A MEDICAL DIAGNOSIS AND**
22 **MAKE A MEDICAL ASSESSMENT OF THE MEMBER'S CONDITION.**

23 **(B) COVERED HEALTH CARE BENEFITS FOR MEMBERS INCLUDE:**

24 **(1) INPATIENT AND OUTPATIENT MEDICAL AND HEALTH FACILITY**
25 **SERVICES;**

26 **(2) INPATIENT AND OUTPATIENT PROFESSIONAL HEALTH CARE**
27 **PROVIDER MEDICAL SERVICES;**

28 **(3) DIAGNOSTIC IMAGING, LABORATORY SERVICES, AND OTHER**

1 **DIAGNOSTIC AND EVALUATIVE SERVICES;**

2 **(4) (I) MEDICAL EQUIPMENT, APPLIANCES, AND ASSISTIVE**
3 **TECHNOLOGY, INCLUDING:**

4 **1. PROSTHETICS;**

5 **2. EYEGLASSES; AND**

6 **3. HEARING AIDS; AND**

7 **(II) THE REPAIR, TECHNICAL SUPPORT, AND CUSTOMIZATION**
8 **NEEDED FOR INDIVIDUAL USE OF MEDICAL EQUIPMENT, APPLIANCES, AND**
9 **ASSISTIVE TECHNOLOGY;**

10 **(5) INPATIENT AND OUTPATIENT REHABILITATIVE CARE;**

11 **(6) EMERGENCY CARE SERVICES;**

12 **(7) EMERGENCY TRANSPORTATION;**

13 **(8) NECESSARY TRANSPORTATION FOR HEALTH CARE SERVICES FOR**
14 **PERSONS WITH DISABILITIES OR WHO MAY QUALIFY AS LOW INCOME;**

15 **(9) CHILD AND ADULT IMMUNIZATIONS AND PREVENTIVE CARE;**

16 **(10) HEALTH AND WELLNESS EDUCATION;**

17 **(11) HOSPICE CARE;**

18 **(12) CARE IN A SKILLED NURSING FACILITY;**

19 **(13) HOME HEALTH CARE, INCLUDING HEALTH CARE PROVIDED IN AN**
20 **ASSISTED LIVING FACILITY;**

21 **(14) MENTAL HEALTH SERVICES;**

22 **(15) SUBSTANCE ABUSE TREATMENT;**

23 **(16) DENTAL CARE;**

24 **(17) VISION CARE;**

- 1 **(18) PRESCRIPTION DRUGS;**
- 2 **(19) PEDIATRIC CARE;**
- 3 **(20) PRENATAL AND POSTNATAL CARE;**
- 4 **(21) PODIATRIC CARE;**
- 5 **(22) EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND**
6 **TREATMENT SERVICES AS DEFINED IN § 1905(R) OF THE SOCIAL SECURITY ACT;**
- 7 **(23) DIETARY AND NUTRITIONAL THERAPIES APPROVED BY THE**
8 **BOARD UNDER § 25-602 OF THIS TITLE;**
- 9 **(24) ACUPUNCTURE;**
- 10 **(25) THERAPIES THAT ARE SHOWN BY THE NATIONAL INSTITUTES OF**
11 **HEALTH, NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH**
12 **TO BE SAFE AND EFFECTIVE;**
- 13 **(26) BLOOD AND BLOOD PRODUCTS;**
- 14 **(27) DIALYSIS;**
- 15 **(28) ADULT DAY CARE;**
- 16 **(29) HABILITATIVE AND REHABILITATIVE SERVICES;**
- 17 **(30) ANCILLARY HEALTH CARE OR SOCIAL SERVICES PREVIOUSLY**
18 **COVERED BY THE COMMUNITY INTEGRATED MEDICAL HOME PROGRAM UNDER §**
19 **19-1B-02 OF THIS ARTICLE;**
- 20 **(31) CASE MANAGEMENT AND CARE COORDINATION;**
- 21 **(32) LANGUAGE INTERPRETATION AND TRANSLATION FOR HEALTH**
22 **CARE SERVICES, INCLUDING SIGN LANGUAGE, BRAILLE, AND ANY OTHER SERVICES**
23 **NEEDED FOR INDIVIDUALS WITH COMMUNICATION BARRIERS;**
- 24 **(33) HEALTH CARE AND LONG-TERM SERVICES AND SUPPORTS THAT**
25 **ARE:**
- 26 **(i) COVERED UNDER MEDICAID OR THE MARYLAND**
27 **CHILDREN’S HEALTH INSURANCE PROGRAM ON JANUARY 1, 2019; AND**

1 (II) DESCRIBED IN § 25-603 OF THIS TITLE;

2 (34) ALL HEALTH CARE SERVICES FOR WHICH COVERAGE IS
3 REQUIRED BY OR UNDER ANY OF THE FOLLOWING PROGRAMS OR ENTITIES,
4 WITHOUT REGARD TO WHETHER THE MEMBER WOULD OTHERWISE BE ELIGIBLE FOR
5 OR COVERED BY THE PROGRAM OR SOURCE REFERRED TO:

6 (I) THE CHILDREN'S HEALTH INSURANCE PROGRAM UNDER
7 TITLE XXI OF THE SOCIAL SECURITY ACT;

8 (II) MEDICAID; AND

9 (III) MEDICARE;

10 (35) ANY HEALTH CARE SERVICES ADDED TO HEALTHY MARYLAND
11 BENEFITS BY THE BOARD, AS AUTHORIZED UNDER THIS TITLE; AND

12 (36) ALL ESSENTIAL HEALTH BENEFITS MANDATED BY THE
13 AFFORDABLE CARE ACT AS OF JANUARY 1, 2017.

14 25-602.

15 (A) ON A REGULAR BASIS, THE BOARD SHALL EVALUATE WHETHER
16 COVERED BENEFITS UNDER HEALTHY MARYLAND SHOULD BE IMPROVED OR
17 ADJUSTED TO:

18 (1) PROMOTE THE HEALTH OF BENEFICIARIES;

19 (2) ACCOUNT FOR CHANGES IN MEDICAL PRACTICE OR NEW
20 INFORMATION FROM MEDICAL RESEARCH; OR

21 (3) RESPOND TO OTHER RELEVANT DEVELOPMENTS IN HEALTH
22 SCIENCE.

23 (B) IN CARRYING OUT SUBSECTION (A) OF THIS SECTION, THE BOARD
24 SHALL CONSULT WITH THE PERSONS DESCRIBED IN SUBSECTION (C) OF THIS
25 SECTION ON:

26 (1) IDENTIFYING SPECIFIC COMPLEMENTARY AND INTEGRATIVE
27 MEDICINE PRACTICES THAT, ON THE BASIS OF RESEARCH FINDINGS OR PROMISING
28 CLINICAL INTERVENTIONS, ARE APPROPRIATE TO INCLUDE IN THE BENEFITS
29 PACKAGE; AND

1 **(2) IDENTIFYING:**

2 **(I) BARRIERS TO THE EFFECTIVE PROVISION AND**
3 **INTEGRATION OF SUCH PRACTICES INTO THE DELIVERY OF HEALTH CARE; AND**

4 **(II) MECHANISMS FOR OVERCOMING SUCH BARRIERS.**

5 **(C) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE BOARD**
6 **SHALL CONSULT WITH:**

7 **(1) INSTITUTIONS OF HIGHER EDUCATION, PRIVATE RESEARCH**
8 **INSTITUTES, AND INDIVIDUAL RESEARCHERS WITH EXTENSIVE EXPERIENCE IN**
9 **COMPLEMENTARY AND ALTERNATIVE MEDICINE AND THE INTEGRATION OF SUCH**
10 **PRACTICES INTO THE DELIVERY OF HEALTH CARE;**

11 **(2) NATIONALLY RECOGNIZED PROVIDERS OF COMPLEMENTARY AND**
12 **INTEGRATIVE MEDICINE; AND**

13 **(3) OTHER OFFICIALS, ENTITIES, AND INDIVIDUALS WITH EXPERTISE**
14 **ON COMPLEMENTARY AND INTEGRATIVE MEDICINE AS THE BOARD DETERMINES**
15 **APPROPRIATE.**

16 **(D) (1) HEALTH CARE PROVIDERS AND MEMBERS MAY PETITION THE**
17 **BOARD TO IMPROVE OR ADJUST COVERED BENEFITS UNDER HEALTHY MARYLAND.**

18 **(2) THE BOARD SHALL DEVELOP AND IMPLEMENT PROCEDURES FOR**
19 **MEMBERS TO PETITION THE BOARD TO IMPROVE OR ADJUST COVERED BENEFITS**
20 **UNDER HEALTHY MARYLAND.**

21 **25-603.**

22 **(A) SUBJECT TO THE OTHER PROVISIONS OF THIS TITLE, A MEMBER IS**
23 **ENTITLED TO PAYMENT BY HEALTHY MARYLAND TO AN ELIGIBLE HEALTH CARE**
24 **PROVIDER FOR LONG-TERM SERVICES AND SUPPORTS, FOR MAINTENANCE OF**
25 **HEALTH, OR FOR CARE, SERVICES, DIAGNOSIS, TREATMENT, OR REHABILITATION**
26 **THAT IS RELATED TO A MEDICALLY DETERMINABLE CONDITION, WHETHER**
27 **PHYSICAL OR MENTAL, OF HEALTH, INJURY, OR AGE THAT:**

28 **(1) CAUSES A FUNCTIONAL LIMITATION IN PERFORMING ONE OR**
29 **MORE ACTIVITIES OF DAILY LIVING OR INSTRUMENTAL ACTIVITIES OF DAILY**
30 **LIVING; AND**

1 **(2) SUBSTANTIALLY LIMITS ONE OR MORE OF THE ENROLLEE'S**
2 **MAJOR LIFE ACTIVITIES.**

3 **(B) AN INDIVIDUAL WHO QUALIFIES FOR DISABILITY BENEFITS UNDER**
4 **TITLE II OR TITLE XVI OF THE SOCIAL SECURITY ACT IS ENTITLED TO LONG-TERM**
5 **SERVICES AND SUPPORTS UNDER HEALTHY MARYLAND.**

6 **(C) ANY MEMBER WHO RECEIVES OR IS APPROVED TO RECEIVE BENEFITS**
7 **UNDER TITLE II OR TITLE XVI OF THE SOCIAL SECURITY ACT IS ENTITLED TO**
8 **PAYMENT BY HEALTHY MARYLAND FOR LONG-TERM SERVICES AND SUPPORTS.**

9 **(D) LONG-TERM SERVICES AND SUPPORTS SHALL:**

10 **(1) INCLUDE ANY LONG-TERM NURSING OR MEDICAL SERVICES FOR**
11 **THE MEMBER WHETHER PROVIDED IN AN INSTITUTION OR A HOME- AND**
12 **COMMUNITY-BASED SETTING;**

13 **(2) PROVIDE COVERAGE FOR A BROAD SPECTRUM OF LONG-TERM**
14 **SERVICES AND SUPPORTS, INCLUDING FOR HOME- AND COMMUNITY-BASED**
15 **SERVICES AND OTHER CARE PROVIDED THROUGH NONINSTITUTIONAL SETTINGS;**

16 **(3) PROVIDE COVERAGE THAT MEETS THE PHYSICAL, MENTAL, AND**
17 **SOCIAL NEEDS OF RECIPIENTS WHILE ALLOWING RECIPIENTS THEIR MAXIMUM**
18 **POSSIBLE AUTONOMY AND THEIR MAXIMUM POSSIBLE CIVIC, SOCIAL, AND**
19 **ECONOMIC PARTICIPATION;**

20 **(4) PRIORITIZE HOME- AND COMMUNITY-BASED SERVICES OVER**
21 **INSTITUTIONALIZATION;**

22 **(5) BE PROVIDED WITH A PRESUMPTION THAT RECIPIENTS OF ALL**
23 **AGES AND DISABILITIES WILL RECEIVE LONG-TERM SERVICES AND SUPPORTS**
24 **THROUGH HOME- AND COMMUNITY-BASED SERVICES UNLESS THE INDIVIDUAL**
25 **CHOOSES OTHERWISE;**

26 **(6) BE PROVIDED WITH THE GOAL OF ENABLING INDIVIDUALS WITH**
27 **DISABILITIES TO RECEIVE SERVICES IN THE LEAST RESTRICTIVE AND MOST**
28 **INTEGRATED SETTING APPROPRIATE TO THE INDIVIDUAL'S NEEDS;**

29 **(7) BE PROVIDED IN A MANNER THAT ALLOWS INDIVIDUALS WITH**
30 **DISABILITIES TO MAINTAIN THEIR INDEPENDENCE, SELF-DETERMINATION, AND**
31 **DIGNITY;**

32 **(8) PROVIDE LONG-TERM SERVICES AND SUPPORTS THAT ARE OF**

1 EQUAL QUALITY AND EQUALLY ACCESSIBLE ACROSS GEOGRAPHIC REGIONS;

2 (9) ENSURE THAT LONG-TERM SERVICES AND SUPPORTS PROVIDE
3 MEMBERS THE OPTION OF SELF-DIRECTION OF SERVICES; AND

4 (10) PROVIDE SERVICES TO SUPPORT ACTIVITIES OF DAILY LIVING
5 AND INSTRUMENTAL ACTIVITIES OF DAILY LIVING FOR INDIVIDUALS WITH
6 FUNCTION LIMITATIONS, WHETHER PHYSICAL OR COGNITIVE.

7 (E) IN DEVELOPING REGULATIONS TO IMPLEMENT THIS SECTION, THE
8 BOARD SHALL CONSULT WITH RELEVANT STAKEHOLDERS, INCLUDING:

9 (1) INDIVIDUALS WITH DISABILITIES AND OLDER ADULTS WHO USE
10 LONG-TERM SERVICES AND SUPPORTS;

11 (2) REPRESENTATIVES OF INDIVIDUALS WITH DISABILITIES OR OF
12 OLDER ADULTS;

13 (3) GROUPS THAT REPRESENT THE DIVERSITY OF THE POPULATION
14 OF INDIVIDUALS LIVING WITH DISABILITIES, INCLUDING GENDER, RACIAL, AND
15 ECONOMIC DIVERSITY;

16 (4) PROVIDERS OF LONG-TERM SERVICES AND SUPPORTS,
17 INCLUDING FAMILY ATTENDANTS AND FAMILY CAREGIVERS;

18 (5) DISABILITY RIGHTS ORGANIZATIONS;

19 (6) MEMBERS OF ORGANIZED LABOR;

20 (7) SENIOR GROUPS; AND

21 (8) RELEVANT ACADEMIC INSTITUTIONS AND RESEARCHERS.

22 SUBTITLE 7. DELIVERY OF CARE.

23 25-701.

24 (A) (1) ANY HEALTH CARE PROVIDER IS QUALIFIED TO PARTICIPATE IN
25 HEALTHY MARYLAND IF:

26 (I) THE HEALTH CARE PROVIDER IS LICENSED TO PRACTICE IN
27 THE STATE AND IS IN GOOD STANDING;

1 **(II) THE HEALTH CARE PROVIDER'S SERVICES ARE PERFORMED**
2 **WHILE PHYSICALLY PRESENT WITHIN THE STATE;**

3 **(III) THE HEALTH CARE PROVIDER AGREES TO ACCEPT**
4 **HEALTHY MARYLAND RATES AS PAYMENT IN FULL FOR ALL COVERED SERVICES;**
5 **AND**

6 **(IV) THE HEALTH CARE PROVIDER HAS FILED WITH THE BOARD**
7 **A PARTICIPATION AGREEMENT DESCRIBED IN § 25-702 OF THIS SUBTITLE.**

8 **(2) THE BOARD SHALL ESTABLISH AND MAINTAIN PROCEDURES AND**
9 **STANDARDS FOR RECOGNIZING HEALTH CARE PROVIDERS LOCATED OUTSIDE THE**
10 **STATE FOR PURPOSES OF PROVIDING COVERAGE UNDER HEALTHY MARYLAND FOR**
11 **MEMBERS WHO REQUIRE OUT-OF-STATE HEALTH CARE SERVICES WHILE**
12 **TEMPORARILY LOCATED OUTSIDE THE STATE.**

13 **(B) ANY HEALTH CARE PROVIDER QUALIFIED TO PARTICIPATE UNDER THIS**
14 **SECTION MAY PROVIDE COVERED HEALTH CARE SERVICES UNDER HEALTHY**
15 **MARYLAND IF THE HEALTH CARE PROVIDER IS LEGALLY AUTHORIZED TO PERFORM**
16 **THE HEALTH CARE SERVICE FOR THE INDIVIDUAL UNDER THE CIRCUMSTANCES**
17 **INVOLVED.**

18 **(C) A MEMBER MAY RECEIVE HEALTH CARE SERVICES UNDER HEALTHY**
19 **MARYLAND FROM ANY PARTICIPATING HEALTH CARE PROVIDER IF THE RECEIPT OF**
20 **THE HEALTH CARE SERVICES IS CONSISTENT WITH:**

21 **(1) THE REQUIREMENTS OF THIS SECTION AND ANY PROCEDURES OR**
22 **STANDARDS ESTABLISHED BY THE BOARD UNDER THIS SECTION;**

23 **(2) THE WILLINGNESS OR AVAILABILITY OF THE PROVIDER TO**
24 **PROVIDE THE HEALTH CARE SERVICES TO THE MEMBER;**

25 **(3) PROVISIONS OF THIS TITLE RELATING TO DISCRIMINATION; AND**

26 **(4) THE APPROPRIATE CLINICALLY RELEVANT CIRCUMSTANCES AND**
27 **STANDARDS.**

28 **(D) (1) A HEALTH CARE PROVIDER MAY NOT USE HEALTH INFORMATION**
29 **TECHNOLOGY OR CLINICAL PRACTICE GUIDELINES THAT LIMIT THE EFFECTIVE**
30 **EXERCISE OF THE PROFESSIONAL JUDGMENT OF PHYSICIANS, REGISTERED**
31 **NURSES, OR OTHER HEALTH CARE PROVIDERS OPERATING WITHIN THE SCOPE OF**
32 **PRACTICE OF THE PROVIDER UNDER THE HEALTH OCCUPATIONS ARTICLE.**

1 **(2) A PHYSICIAN, A REGISTERED NURSE, OR ANY OTHER HEALTH**
2 **CARE PROVIDER MAY OVERRIDE HEALTH INFORMATION TECHNOLOGY AND**
3 **CLINICAL PRACTICE GUIDELINES USED BY A HEALTH CARE PROVIDER IF THE**
4 **OVERRIDE:**

5 **(I) IS CONSISTENT WITH THE HEALTH CARE PROVIDER'S**
6 **DETERMINATION OF MEDICAL NECESSITY; AND**

7 **(II) IN THE PROFESSIONAL JUDGMENT OF THE HEALTH CARE**
8 **PROVIDER, IS IN THE BEST INTEREST OF THE PATIENT AND CONSISTENT WITH THE**
9 **PATIENT'S WISHES.**

10 **(E) AN ENTITY MAY NOT FURNISH COVERED ITEMS AND SERVICES UNDER**
11 **THIS TITLE IF THE ENTITY PROVIDES NO ITEMS AND SERVICES DIRECTLY TO**
12 **MEMBERS, INCLUDING:**

13 **(1) ENTITIES THAT ENTER INTO CONTRACTS WITH OTHER ENTITIES**
14 **OR HEALTH CARE PROVIDERS TO PROVIDE ALL ITEMS AND SERVICES; AND**

15 **(2) ENTITIES THAT ARE APPROVED TO COORDINATE CARE PLANS**
16 **UNDER PART C OF TITLE XVIII OF THE SOCIAL SECURITY ACT (42 U.S.C. §§ 1851**
17 **ET SEQ.) BUT DO NOT DIRECTLY PROVIDE THE ITEMS AND SERVICES AUTHORIZED**
18 **BY THE CARE PLANS.**

19 **25-702.**

20 **(A) A HEALTH CARE PROVIDER SHALL ENTER INTO A PARTICIPATION**
21 **AGREEMENT WITH THE BOARD IN ORDER TO QUALIFY AS A PARTICIPATING**
22 **PROVIDER UNDER HEALTHY MARYLAND.**

23 **(B) A PARTICIPATION AGREEMENT BETWEEN THE BOARD AND A HEALTH**
24 **CARE PROVIDER SHALL:**

25 **(1) REQUIRE THE HEALTH CARE PROVIDER TO PROVIDE SERVICES TO**
26 **ELIGIBLE INDIVIDUALS WITHOUT DISCRIMINATION, IN ACCORDANCE WITH §**
27 **25-901(C)(4) OF THIS TITLE;**

28 **(2) PROHIBIT THE HEALTH CARE PROVIDER FROM CHARGING A**
29 **MEMBER FOR ANY COVERED SERVICES OTHER THAN FOR PAYMENT AUTHORIZED BY**
30 **THIS TITLE;**

31 **(3) REQUIRE THE HEALTH CARE PROVIDER TO PROVIDE**
32 **INFORMATION REQUESTED BY THE BOARD, IN ACCORDANCE WITH § 25-305 OF THIS**

1 TITLE FOR:

2 (I) QUALITY REVIEW BY DESIGNATED ENTITIES;

3 (II) MAKING PAYMENTS UNDER THIS TITLE, INCLUDING THE
4 EXAMINATION OF RECORDS AS MAY BE NECESSARY FOR THE VERIFICATION OF
5 INFORMATION ON WHICH THE PAYMENTS ARE BASED;

6 (III) STATISTICAL OR OTHER STUDIES REQUIRED FOR THE
7 IMPLEMENTATION OF THIS TITLE; AND

8 (IV) ANY OTHER PURPOSES REQUIRED BY THE BOARD;

9 (4) FOR AN INSTITUTIONAL PROVIDER, PROHIBIT THE PROVIDER
10 FROM EMPLOYING OR USING FOR THE PROVISION OF HEALTH SERVICES ANY
11 INDIVIDUAL HEALTH CARE PROVIDER THAT HAS HAD A PARTICIPATION AGREEMENT
12 UNDER THIS SUBSECTION TERMINATED FOR CAUSE;

13 (5) FOR A HEALTH CARE PROVIDER PAID ON A FEE-FOR-SERVICE
14 BASIS FOR ITEMS AND SERVICES PROVIDED UNDER THIS TITLE, REQUIRE THE
15 PROVIDER TO SUBMIT BILLS AND ANY REQUIRED SUPPORTING DOCUMENTATION
16 RELATING TO THE PROVISION OF COVERED SERVICES WITHIN 30 DAYS AFTER THE
17 DATE OF PROVIDING SUCH SERVICES;

18 (6) FOR AN INSTITUTIONAL PROVIDER PAID IN ACCORDANCE WITH §
19 25-802 OF THIS TITLE, REQUIRE THE INSTITUTIONAL PROVIDER TO SUBMIT, IN
20 ACCORDANCE WITH § 25-305 OF THIS TITLE, INFORMATION ON A QUARTERLY BASIS
21 THAT:

22 (I) RELATES TO THE PROVISION OF COVERED SERVICES; AND

23 (II) DESCRIBES SERVICES PROVIDED AT A PATIENT LEVEL;

24 (7) FOR A PROVIDER RECEIVING PAYMENT UNDER THIS TITLE BASED
25 ON DIAGNOSIS-RELATED CODING, PROCEDURE-RELATED CODING, OR ANY OTHER
26 CODING SYSTEM OR DATA:

27 (I) REQUIRE THE PROVIDER TO DISCLOSE TO THE BOARD:

28 1. ANY CASE MIX INDEXES, DIAGNOSIS CODING
29 SOFTWARE, PROCEDURE CODING SOFTWARE, OR OTHER CODING SYSTEM USED BY
30 THE PROVIDER FOR THE PURPOSES OF MEETING PAYMENT, GLOBAL BUDGETING, OR
31 DISCLOSURE REQUIREMENTS UNDER THIS TITLE; AND

1 **2. ANY CASE MIX, DIAGNOSIS CODING GUIDELINES,**
2 **PROCEDURE CODING GUIDELINES, OR CODING TIP SHEETS USED BY THE PROVIDER**
3 **FOR THE PURPOSES OF MEETING PAYMENT, GLOBAL BUDGETING, OR DISCLOSURE**
4 **REQUIREMENTS UNDER THIS TITLE; AND**

5 **(II) PROHIBIT THE PROVIDER FROM:**

6 **1. USING PROPRIETARY CASE MIX INDEXES, DIAGNOSIS**
7 **CODING SOFTWARE, PROCEDURE CODING SOFTWARE, OR OTHER CODING**
8 **SOFTWARE FOR THE PURPOSES OF MEETING PAYMENT, GLOBAL BUDGETING, OR**
9 **DISCLOSURE REQUIREMENTS UNDER THIS TITLE;**

10 **2. REQUIRING ANY HEALTH CARE PROVIDER TO APPLY**
11 **CASE MIX INDEXES, DIAGNOSIS CODING, PROCEDURE CODING, OR OTHER CODING**
12 **SYSTEMS IN A MANNER THAT LIMITS THE MEDICAL OR NURSING PROCESS OR LIMITS**
13 **A TREATING PHYSICIAN’S OR ASSIGNED REGISTERED NURSE’S PROFESSIONAL**
14 **JUDGMENT IN DETERMINING A DIAGNOSIS, INCLUDING THE USE OF LEADING**
15 **QUERIES OR PROHIBITIONS ON USING CERTAIN CODES;**

16 **3. PROVIDING FINANCIAL INCENTIVES TO PHYSICIANS,**
17 **REGISTERED NURSES, OR OTHER HEALTH CARE PROVIDERS FOR PARTICULAR**
18 **CODING RESULTS OR FOR SELECTING CODES WITH HIGHER PAYMENTS;**

19 **4. IMPOSING FINANCIAL DISINCENTIVES TO**
20 **PHYSICIANS, REGISTERED NURSES, OR OTHER HEALTH CARE PROVIDERS FOR**
21 **PARTICULAR CODING RESULTS OR FOR SELECTING DIAGNOSTIC CODES WITH**
22 **LOWER PAYMENTS; AND**

23 **5. USING CASE MIX INDEXES OR DIAGNOSIS CODING**
24 **SOFTWARE THAT MAKE SUGGESTIONS FOR HIGHER-SEVERITY DIAGNOSES OR**
25 **CODING FOR HIGHER-COST PROCEDURES;**

26 **(8) REQUIRE THE PROVIDER TO COMPLY WITH THE DUTY OF PATIENT**
27 **ADVOCACY DESCRIBED IN § 25-902 OF THIS TITLE;**

28 **(9) REQUIRE THE PROVIDER TO COMPLY WITH THE PROHIBITIONS**
29 **AND REQUIREMENTS DESCRIBED IN § 25-703 OF THIS SUBTITLE; AND**

30 **(10) FOR AN INSTITUTIONAL PROVIDER, REQUIRE THE INSTITUTIONAL**
31 **PROVIDER TO AGREE THAT NO BOARD MEMBER, EXECUTIVE, OR ADMINISTRATOR OF**
32 **THE INSTITUTIONAL PROVIDER WILL RECEIVE COMPENSATION FROM, OWN STOCK**
33 **OR HAVE OTHER FINANCIAL INVESTMENTS IN, OR SERVE AS A BOARD MEMBER OF**

1 ANY ENTITY THAT CONTRACTS WITH OR PROVIDES ITEMS OR SERVICES, INCLUDING
2 PHARMACEUTICAL PRODUCTS AND MEDICAL DEVICES OR EQUIPMENT, TO THE
3 PROVIDER.

4 (C) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A HEALTH CARE
5 PROVIDER TO PROVIDE A TYPE OR CLASS OF SERVICES THAT ARE OUTSIDE THE
6 SCOPE OF THE PROVIDER'S NORMAL PRACTICE.

7 25-703.

8 (A) A PARTICIPATING PROVIDER:

9 (1) MAY NOT BILL OR ENTER INTO A PRIVATE CONTRACT WITH AN
10 INDIVIDUAL ELIGIBLE FOR BENEFITS UNDER HEALTHY MARYLAND FOR ANY ITEM
11 OR SERVICE THAT IS A BENEFIT DESCRIBED IN SUBTITLE 6 OF THIS TITLE;

12 (2) MAY BILL OR ENTER INTO A PRIVATE CONTRACT WITH AN
13 INDIVIDUAL ELIGIBLE FOR BENEFITS UNDER HEALTHY MARYLAND FOR ANY ITEM
14 OR SERVICE THAT IS NOT A BENEFIT DESCRIBED IN SUBTITLE 6 OF THIS TITLE IF:

15 (i) THE CONTRACT AND PARTICIPATING PROVIDER MEET THE
16 REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION;

17 (ii) THE ITEM OR SERVICE IS NOT PAYABLE OR AVAILABLE
18 UNDER HEALTHY MARYLAND; AND

19 (iii) THE PARTICIPATING PROVIDER DOES NOT RECEIVE:

20 1. REIMBURSEMENT UNDER HEALTHY MARYLAND
21 DIRECTLY OR INDIRECTLY FOR THE ITEM OR SERVICE; AND

22 2. ANY AMOUNT FOR THE ITEM OR SERVICE FROM AN
23 ORGANIZATION THAT RECEIVES REIMBURSEMENT FOR THE ITEM OR SERVICE
24 UNDER HEALTHY MARYLAND DIRECTLY OR INDIRECTLY; AND

25 (3) MAY BILL OR ENTER INTO A PRIVATE CONTRACT WITH ANY
26 INDIVIDUAL INELIGIBLE FOR BENEFITS UNDER HEALTHY MARYLAND FOR ANY ITEM
27 OR SERVICE.

28 (B) A CONTRACT TO PROVIDE ITEMS AND SERVICES DESCRIBED IN
29 SUBSECTION (A)(2) OF THIS SECTION:

30 (1) SHALL BE IN WRITING AND SIGNED BY THE INDIVIDUAL OR

1 AUTHORIZED REPRESENTATIVE OF THE INDIVIDUAL RECEIVING THE ITEM OR
2 SERVICE BEFORE THE ITEM OR SERVICE IS FURNISHED;

3 (2) MAY NOT BE ENTERED INTO AT A TIME WHEN THE INDIVIDUAL IS
4 FACING AN EMERGENCY HEALTH CARE SITUATION; AND

5 (3) SHALL CLEARLY INDICATE TO THE INDIVIDUAL RECEIVING THE
6 ITEMS AND SERVICES THAT BY SIGNING THE CONTRACT THE INDIVIDUAL:

7 (I) AGREES NOT TO SUBMIT A CLAIM UNDER HEALTHY
8 MARYLAND FOR THE ITEMS OR SERVICES;

9 (II) ACCEPTS RESPONSIBILITY FOR PAYMENT OF THE ITEMS OR
10 SERVICES AND UNDERSTANDS THAT NO REIMBURSEMENT WILL BE PROVIDED
11 UNDER HEALTHY MARYLAND FOR THE ITEMS OR SERVICES;

12 (III) ACKNOWLEDGES THAT NO LIMITS UNDER HEALTHY
13 MARYLAND APPLY TO AMOUNTS THAT MAY BE CHARGED FOR THE ITEMS OR
14 SERVICES; AND

15 (IV) ACKNOWLEDGES THAT THE PARTICIPATING PROVIDER IS
16 PROVIDING SERVICES OUTSIDE THE SCOPE OF HEALTHY MARYLAND.

17 (C) A PARTICIPATING PROVIDER THAT ENTERS INTO A CONTRACT
18 DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION SHALL HAVE IN EFFECT DURING
19 THE PERIOD AN ITEM OR A SERVICE IS TO BE PROVIDED AN AFFIDAVIT THAT:

20 (1) IDENTIFIES THE PARTICIPATING PROVIDER THAT IS TO FURNISH
21 THE ITEM OR SERVICE;

22 (2) STATES THAT THE PARTICIPATING PROVIDER WILL NOT SUBMIT
23 ANY CLAIM UNDER HEALTHY MARYLAND FOR ANY ITEM OR SERVICE PROVIDED TO
24 ANY INDIVIDUAL ENROLLED UNDER HEALTHY MARYLAND;

25 (3) IS SIGNED BY THE PARTICIPATING PROVIDER; AND

26 (4) IS FILED WITH THE BOARD NOT LATER THAN 10 DAYS AFTER
27 ENTERING INTO THE FIRST CONTRACT TO WHICH THE AFFIDAVIT APPLIES.

28 (D) IF A PROVIDER THAT SIGNS AN AFFIDAVIT DESCRIBED IN SUBSECTION
29 (C) OF THIS SECTION KNOWINGLY AND WILLFULLY SUBMITS A CLAIM UNDER THIS
30 TITLE FOR ANY ITEM OR SERVICE PROVIDED OR RECEIVES ANY REIMBURSEMENT OR
31 AMOUNT FOR AN ITEM OR A SERVICE PROVIDED UNDER A CONTRACT DESCRIBED IN

1 SUBSECTION (A)(2) OF THIS SECTION:

2 (1) THE CONTRACT SHALL BE NULL AND VOID; AND

3 (2) NO PAYMENT SHALL BE MADE UNDER THIS TITLE FOR ANY ITEM
4 OR SERVICE FURNISHED BY THE PROVIDER DURING THE 1-YEAR PERIOD
5 BEGINNING ON THE DATE THE AFFIDAVIT WAS SIGNED.

6 25-704.

7 (A) AN INSTITUTIONAL OR INDIVIDUAL PROVIDER WHO IS NOT A
8 PARTICIPATING PROVIDER:

9 (1) IF THE CONTRACT MEETS THE REQUIREMENTS OF § 25-703(B) OF
10 THIS SUBTITLE AND THE PROVIDER MEETS THE REQUIREMENTS OF § 25-703(C) OF
11 THIS SUBTITLE, MAY BILL OR ENTER INTO ANY PRIVATE CONTRACT WITH ANY
12 INDIVIDUAL ELIGIBLE FOR BENEFITS UNDER HEALTHY MARYLAND FOR ANY ITEM
13 OR SERVICE THAT IS A BENEFIT DESCRIBED IN SUBTITLE 6 OF THIS TITLE; AND

14 (2) MAY BILL OR ENTER INTO A PRIVATE CONTRACT WITH ANY
15 INDIVIDUAL FOR AN ITEM OR A SERVICE THAT IS NOT A BENEFIT UNDER SUBTITLE
16 6 OF THIS TITLE.

17 (B) A CONTRACT TO PROVIDE ITEMS AND SERVICES DESCRIBED IN
18 SUBSECTION (A) OF THIS SECTION:

19 (1) SHALL BE IN WRITING AND SIGNED BY THE INDIVIDUAL OR
20 AUTHORIZED REPRESENTATIVE OF THE INDIVIDUAL RECEIVING THE ITEM OR
21 SERVICE BEFORE THE ITEM OR SERVICE IS FURNISHED;

22 (2) MAY NOT BE ENTERED INTO AT A TIME WHEN THE INDIVIDUAL IS
23 FACING AN EMERGENCY HEALTH CARE SITUATION; AND

24 (3) SHALL CLEARLY INDICATE TO THE INDIVIDUAL RECEIVING THE
25 ITEMS AND SERVICES THAT BY SIGNING THE CONTRACT THE INDIVIDUAL:

26 (I) ACKNOWLEDGES THAT THE INDIVIDUAL HAS THE RIGHT TO
27 HAVE SUCH ITEMS OR SERVICES PROVIDED UNDER HEALTHY MARYLAND;

28 (II) AGREES NOT TO SUBMIT A CLAIM UNDER THIS TITLE FOR
29 THE ITEMS OR SERVICES EVEN IF SUCH ITEMS OR SERVICES ARE OTHERWISE
30 COVERED BY THIS TITLE;

1 (III) AGREES TO BE RESPONSIBLE FOR PAYMENT OF THE ITEMS
2 OR SERVICES AND UNDERSTANDS THAT NO REIMBURSEMENT WILL BE PROVIDED
3 UNDER HEALTHY MARYLAND FOR SUCH ITEMS OR SERVICES;

4 (IV) ACKNOWLEDGES THAT NO LIMITS UNDER HEALTHY
5 MARYLAND APPLY TO AMOUNTS THAT MAY BE CHARGED FOR THE ITEMS OR
6 SERVICES; AND

7 (V) ACKNOWLEDGES THAT THE PROVIDER IS PROVIDING
8 SERVICES OUTSIDE HEALTHY MARYLAND.

9 (C) A PROVIDER THAT ENTERS INTO A CONTRACT DESCRIBED IN
10 SUBSECTION (A) OF THIS SECTION SHALL HAVE IN EFFECT DURING THE PERIOD ANY
11 ITEM OR SERVICE IS TO BE PROVIDED AN AFFIDAVIT THAT:

12 (1) IDENTIFIES THE PROVIDER THAT IS TO FURNISH THE COVERED
13 ITEM OR SERVICE;

14 (2) STATES THAT THE PROVIDER WILL NOT SUBMIT ANY CLAIM
15 UNDER HEALTHY MARYLAND FOR ANY COVERED ITEM OR SERVICE PROVIDED TO
16 ANY INDIVIDUAL ENROLLED UNDER HEALTHY MARYLAND DURING THE 1-YEAR
17 PERIOD BEGINNING ON THE DATE THE AFFIDAVIT IS SIGNED;

18 (3) IS SIGNED BY THE PROVIDER; AND

19 (4) IS FILED WITH THE BOARD NOT LATER THAN 10 DAYS AFTER
20 ENTERING INTO THE FIRST CONTRACT TO WHICH THE AFFIDAVIT APPLIES.

21 (D) IF A PROVIDER THAT SIGNS AN AFFIDAVIT DESCRIBED IN SUBSECTION
22 (C) OF THIS SECTION KNOWINGLY AND WILLFULLY SUBMITS A CLAIM UNDER THIS
23 TITLE FOR ANY ITEM OR SERVICE PROVIDED OR RECEIVES ANY REIMBURSEMENT OR
24 AMOUNT FOR AN ITEM OR A SERVICE PROVIDED UNDER A PRIVATE CONTRACT
25 DESCRIBED IN SUBSECTION (A) OF THIS SECTION:

26 (1) ANY CONTRACT DESCRIBED IN SUBSECTION (A) OF THIS SECTION
27 SHALL BE NULL AND VOID; AND

28 (2) NO PAYMENT SHALL BE MADE UNDER THIS TITLE FOR ANY ITEM
29 OR SERVICE FURNISHED BY THE PROVIDER DURING THE 1-YEAR PERIOD
30 BEGINNING ON THE DATE THE AFFIDAVIT WAS SIGNED.

31 25-705.

1 **(A) A PARTICIPATION AGREEMENT IN EFFECT UNDER § 25-702 OF THIS**
2 **SUBTITLE MAY BE TERMINATED WITH APPROPRIATE NOTICE:**

3 **(1) BY THE BOARD, FOR FAILURE TO MEET THE REQUIREMENTS OF**
4 **THIS TITLE; OR**

5 **(2) BY THE PARTICIPATING PROVIDER.**

6 **(B) THE BOARD MAY NOT TERMINATE A PARTICIPATION AGREEMENT OR IN**
7 **ANY OTHER WAY DISCRIMINATE AGAINST, OR CAUSE TO BE DISCRIMINATED**
8 **AGAINST, A PARTICIPATING PROVIDER OR AN AUTHORIZED REPRESENTATIVE OF**
9 **THE PARTICIPATING PROVIDER FOR:**

10 **(1) PROVIDING, OR CAUSING TO BE PROVIDED, TO THE FEDERAL**
11 **GOVERNMENT, OR THE ATTORNEY GENERAL OF A STATE, INFORMATION RELATING**
12 **TO A VIOLATION OF, OR AN ACT OR OMISSION THAT THE PARTICIPATING PROVIDER**
13 **OR AUTHORIZED REPRESENTATIVE REASONABLY BELIEVES TO BE A VIOLATION OF,**
14 **ANY PROVISION OF THIS TITLE;**

15 **(2) TESTIFYING IN A PROCEEDING ABOUT A VIOLATION DESCRIBED**
16 **IN ITEM (1) OF THIS SUBSECTION;**

17 **(3) ASSISTING OR PARTICIPATING IN A PROCEEDING DESCRIBED IN**
18 **ITEM (2) OF THIS SUBSECTION; OR**

19 **(4) OBJECTING TO, OR REFUSING TO PARTICIPATE IN, ANY ACTIVITY,**
20 **POLICY, PRACTICE, OR ASSIGNED TASK THAT THE PARTICIPATING PROVIDER OR**
21 **AUTHORIZED REPRESENTATIVE REASONABLY BELIEVES TO BE IN VIOLATION OF**
22 **ANY PROVISION OF THIS TITLE.**

23 **(C) A PARTICIPATING PROVIDER OR AN AUTHORIZED REPRESENTATIVE OF**
24 **THE PARTICIPATING PROVIDER THAT BELIEVES THAT THE COVERED PROVIDER OR**
25 **AUTHORIZED REPRESENTATIVE HAS BEEN DISCRIMINATED AGAINST IN VIOLATION**
26 **OF THIS SECTION MAY SEEK RELIEF IN ACCORDANCE WITH TITLE 11, SUBTITLE 3**
27 **OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

28 **25-706.**

29 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
30 **INDICATED.**

31 **(2) “EMPLOYEE” MEANS ANY INDIVIDUAL PERFORMING ACTIVITIES**
32 **UNDER THIS TITLE ON BEHALF OF AN EMPLOYER.**

1 **(3) “EMPLOYER” MEANS ANY PERSON ENGAGED IN A FOR-PROFIT OR**
2 **NONPROFIT BUSINESS OR INDUSTRY, INCLUDING ONE OR MORE INDIVIDUALS,**
3 **PARTNERSHIPS, ASSOCIATIONS, CORPORATIONS, TRUSTS, PROFESSIONAL**
4 **MEMBERSHIP ORGANIZATIONS, UNINCORPORATED ORGANIZATIONS,**
5 **NONGOVERNMENTAL ORGANIZATIONS, OR TRUSTEES, AND SUBJECT TO LIABILITY**
6 **FOR VIOLATING THE PROVISIONS OF THIS TITLE.**

7 **(B) AN EMPLOYER MAY NOT TERMINATE OR OTHERWISE DISCRIMINATE**
8 **AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE OR A PERSON ACTING AT THE**
9 **REQUEST OF THE EMPLOYEE:**

10 **(1) NOTIFIED THE BOARD OR THE EMPLOYEE’S EMPLOYER OF ANY**
11 **ALLEGED VIOLATION OF THIS TITLE;**

12 **(2) REFUSED TO ENGAGE IN A PRACTICE MADE UNLAWFUL BY THIS**
13 **TITLE, IF THE EMPLOYEE HAS IDENTIFIED THE ALLEGED UNLAWFUL PRACTICE TO**
14 **THE EMPLOYER;**

15 **(3) COMMENCED OR CAUSED TO BE COMMENCED, OR PLANS TO**
16 **COMMENCE OR CAUSE TO BE COMMENCED, A PROCEEDING UNDER THIS TITLE;**

17 **(4) TESTIFIED IN A PROCEEDING ABOUT A VIOLATION OF THIS TITLE;**
18 **OR**

19 **(5) ASSISTED OR PARTICIPATED, IN ANY MANNER, OR PLANS TO**
20 **ASSIST OR PARTICIPATE IN ANY MANNER, IN A PROCEEDING OR IN ANY OTHER**
21 **ACTION TO CARRY OUT THE PURPOSES OF THIS TITLE.**

22 **(C) AN EMPLOYEE WHO ALLEGES THAT AN EMPLOYER ENGAGED IN**
23 **DISCRIMINATION IN VIOLATION OF SUBSECTION (A) OF THIS SECTION MAY FILE A**
24 **CIVIL ACTION IN ACCORDANCE WITH TITLE 8 OF THE GENERAL PROVISIONS**
25 **ARTICLE.**

26 **(D) (1) THE RIGHTS, PRIVILEGES, AND REMEDIES IN THIS SECTION MAY**
27 **NOT BE WAIVED BY AGREEMENT, POLICY, FORM, OR CONDITION OF EMPLOYMENT.**

28 **(2) THIS SECTION MAY NOT BE CONSTRUED TO:**

29 **(I) DIMINISH THE RIGHTS, PRIVILEGES, OR REMEDIES OF ANY**
30 **EMPLOYEE UNDER ANY OTHER LAW OR REGULATION, OR UNDER ANY COLLECTIVE**
31 **BARGAINING AGREEMENT; OR**

1 **(II) PREEMPT OR DIMINISH ANY OTHER LAW OR REGULATION**
2 **AGAINST DEMOTION, DISCHARGE, SUSPENSION, THREATS, HARASSMENT,**
3 **REPRIMAND, RETALIATION, OR ANY OTHER MANNER OF DISCRIMINATION.**

4 **SUBTITLE 8. PAYMENT FOR HEALTH CARE SERVICES.**

5 **25-801.**

6 **(A) THE BOARD SHALL ADOPT REGULATIONS REGARDING CONTRACTING**
7 **AND ESTABLISHING PAYMENT METHODOLOGIES FOR COVERED HEALTH CARE**
8 **SERVICES PROVIDED TO MEMBERS UNDER HEALTHY MARYLAND BY PARTICIPATING**
9 **PROVIDERS.**

10 **(B) PAYMENT RATES UNDER THE PROGRAM SHALL BE REASONABLE AND**
11 **REASONABLY RELATED TO:**

12 **(1) THE COST OF EFFICIENTLY PROVIDING THE HEALTH CARE**
13 **SERVICE; AND**

14 **(2) ENSURING AN ADEQUATE AND ACCESSIBLE SUPPLY OF HEALTH**
15 **CARE SERVICES.**

16 **(C) (1) THE BOARD SHALL PAY A PARTICIPATING PROVIDER THAT IS AN**
17 **INSTITUTIONAL PROVIDER A QUARTERLY GLOBAL BUDGET PAYMENT IN**
18 **ACCORDANCE WITH § 25-802 OF THIS SUBTITLE.**

19 **(2) A PARTICIPATING PROVIDER THAT RECEIVES A GLOBAL BUDGET**
20 **PAYMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL ACCEPT THE**
21 **PAYMENT AS PAYMENT IN FULL FOR ALL COVERED ITEMS AND SERVICES UNDER**
22 **HEALTHY MARYLAND, INCLUDING OUTPATIENT OR OTHER CARE PROVIDED BY THE**
23 **PARTICIPATING PROVIDER.**

24 **(3) PAYMENT TO INDIVIDUAL PROVIDERS UNDER THIS SECTION MAY**
25 **NOT INCLUDE PAYMENTS TO INDIVIDUAL PROVIDERS IN SALARIED POSITIONS OF**
26 **PARTICIPATING PROVIDERS RECEIVING GLOBAL BUDGET PAYMENTS UNDER**
27 **PARAGRAPH (1) OF THIS SUBSECTION.**

28 **(D) (1) HEALTH CARE SERVICES PROVIDED TO MEMBERS UNDER**
29 **HEALTHY MARYLAND BY PARTICIPATING PROVIDERS WHO ARE INDIVIDUAL**
30 **PROVIDERS SHALL BE PAID FOR ON A FEE-FOR-SERVICE BASIS UNDER § 25-803 OF**
31 **THIS SUBTITLE UNLESS AND UNTIL THE BOARD ESTABLISHES ANOTHER PAYMENT**
32 **METHODOLOGY.**

1 **(2) THERE IS A REBUTTABLE PRESUMPTION THAT THE MEDICARE**
2 **RATE OF REIMBURSEMENT CONSTITUTES A REASONABLE FEE-FOR-SERVICE**
3 **PAYMENT RATE.**

4 **(E) (1) PAYMENT FOR HEALTH CARE SERVICES ESTABLISHED UNDER**
5 **THIS SUBTITLE SHALL BE CONSIDERED PAYMENT IN FULL.**

6 **(2) A PARTICIPATING HEALTH CARE PROVIDER MAY NOT:**

7 **(I) CHARGE ANY RATE IN EXCESS OF THE PAYMENT**
8 **ESTABLISHED UNDER THIS SUBTITLE FOR ANY HEALTH CARE SERVICE PROVIDED**
9 **TO A MEMBER UNDER HEALTHY MARYLAND; OR**

10 **(II) EXCEPT AS PROVIDED UNDER A FEDERAL PROGRAM,**
11 **SOLICIT OR ACCEPT PAYMENT FROM ANY MEMBER OR THIRD PARTY FOR ANY**
12 **HEALTH CARE SERVICE.**

13 **(3) THIS SECTION DOES NOT PRECLUDE HEALTHY MARYLAND FROM**
14 **ACTING AS A PRIMARY OR SECONDARY PAYER IN CONJUNCTION WITH ANOTHER**
15 **THIRD-PARTY PAYER WHEN ALLOWED BY A FEDERAL PROGRAM.**

16 **(F) (1) HEALTHY MARYLAND MAY ADOPT, BY REGULATION, PAYMENT**
17 **METHODOLOGIES FOR THE PAYMENT OF CAPITAL-RELATED EXPENSES FOR**
18 **SPECIFICALLY IDENTIFIED CAPITAL EXPENDITURES INCURRED BY A**
19 **PARTICIPATING PROVIDER THAT IS A HEALTH CARE FACILITY AS DEFINED IN §**
20 **19-114 OF THIS ARTICLE.**

21 **(2) ANY CAPITAL-RELATED EXPENSE GENERATED BY A CAPITAL**
22 **EXPENDITURE THAT REQUIRES PRIOR APPROVAL BY HEALTHY MARYLAND MUST**
23 **HAVE RECEIVED APPROVAL TO BE PAID BY HEALTHY MARYLAND.**

24 **(3) A PARTICIPATING PROVIDER SEEKING FUNDS FOR CAPITAL**
25 **EXPENDITURES SHALL PRESENT A BUDGET FOR REVIEW TO THE BOARD.**

26 **(4) PRIORITY FOR CAPITAL EXPENDITURES SHALL BE GIVEN TO**
27 **PROJECTS THAT ADDRESS A MEDICALLY UNDERSERVED AREA OR POPULATION, OR**
28 **SEEK TO ADDRESS HEALTH DISPARITIES DUE TO RACE, ETHNICITY, INCOME, OR**
29 **GEOGRAPHIC REGION.**

30 **(5) THE BOARD MAY NOT PROVIDE FUNDING FOR CAPITAL**
31 **EXPENDITURES UNDER THIS SECTION THAT ARE FINANCED DIRECTLY OR**
32 **INDIRECTLY THROUGH THE DIVERSION OF HEALTHY MARYLAND FUNDS THAT**
33 **RESULTS IN REDUCTIONS IN DIRECT CARE TO PATIENTS, INCLUDING REDUCTIONS**

1 IN REGISTERED NURSING STAFFING PATTERNS AND CHANGES IN EMERGENCY ROOM
2 OR PRIMARY CARE SERVICES OR AVAILABILITY.

3 (G) (1) A PARTICIPATING PROVIDER THAT IS AN INSTITUTIONAL
4 PROVIDER SHALL MAINTAIN SEPARATE ACCOUNTS FOR PAYMENTS MADE UNDER
5 THIS SUBTITLE FOR OPERATIONS AND CAPITAL EXPENDITURES.

6 (2) AN INSTITUTIONAL PROVIDER MAY NOT:

7 (I) USE PAYMENTS MADE FOR OPERATIONS FOR CAPITAL
8 EXPENDITURES OR FOR PROFIT; OR

9 (II) USE PAYMENTS MADE FOR CAPITAL EXPENDITURES FOR
10 OPERATIONS.

11 (H) THE BOARD SHALL ESTABLISH PAYMENT METHODOLOGIES AND AN
12 ANNUAL BUDGET FOR SPECIAL PROJECTS TO BE USED FOR THE CONSTRUCTION OF
13 NEW FACILITIES, MAJOR EQUIPMENT PURCHASES, AND STAFFING IN RURAL OR
14 MEDICALLY UNDERSERVED AREAS, AS DEFINED IN § 330(B)(3) OF THE PUBLIC
15 HEALTH SERVICE ACT, INCLUDING AREAS DESIGNATED AS HEALTH PROFESSIONAL
16 SHORTAGE AREAS, AS DEFINED IN § 332(A) OF THE PUBLIC HEALTH SERVICE ACT.

17 (I) THE PAYMENT METHODOLOGIES AND RATES ESTABLISHED BY THE
18 BOARD UNDER THIS SECTION SHALL INCLUDE A DISTINCT COMPONENT OF
19 REIMBURSEMENT FOR DIRECT AND INDIRECT GRADUATE MEDICAL EDUCATION.

20 (J) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD
21 SHALL ADOPT, BY REGULATION, PAYMENT METHODOLOGIES AND PROCEDURES FOR
22 PAYING FOR HEALTH CARE SERVICES PROVIDED TO A MEMBER WHILE THE MEMBER
23 IS TEMPORARILY LOCATED OUTSIDE THE STATE.

24 (2) THE PAYMENT METHODOLOGIES AND PROCEDURES
25 ESTABLISHED BY THE BOARD UNDER THIS SUBSECTION SHALL:

26 (I) PROVIDE FOR THE PAYMENT OF HEALTH CARE SERVICES
27 THAT ARE:

28 1. MEDICALLY NECESSARY AS DETERMINED BY THE
29 MEMBER'S TREATING PHYSICIAN; AND

30 2. IN ACCORDANCE WITH THE PROGRAM STANDARDS
31 ESTABLISHED UNDER SUBTITLE 9 OF THIS TITLE AND BY THE BOARD; AND

1 **(II) PROVIDE FOR THE PAYMENT OF HEALTH CARE SERVICES**
2 **PROVIDED BY A MEMBER'S TREATING PHYSICIAN AS AN APPROVED HEALTH CARE**
3 **PROVIDER UNDER § 25-701 OF THIS TITLE.**

4 **25-802.**

5 **(A) THIS SECTION APPLIES ONLY WITH RESPECT TO A PARTICIPATING**
6 **PROVIDER THAT IS AN INSTITUTIONAL PROVIDER.**

7 **(B) (1) NO LATER THAN THE BEGINNING OF EACH FISCAL QUARTER**
8 **DURING WHICH A PARTICIPATING PROVIDER IS TO FURNISH ITEMS AND SERVICES**
9 **UNDER HEALTHY MARYLAND, THE BOARD SHALL PAY TO THE INSTITUTIONAL**
10 **PROVIDER A GLOBAL BUDGET PAYMENT IN ACCORDANCE WITH THIS SECTION.**

11 **(2) A GLOBAL BUDGET PAYMENT UNDER THIS SECTION IS PAYMENT**
12 **IN FULL FOR ALL OPERATING EXPENSES OF AN INSTITUTIONAL PROVIDER FOR THE**
13 **QUARTER.**

14 **(3) THE BOARD, ON A QUARTERLY BASIS, SHALL:**

15 **(I) REVIEW WHETHER THE REQUIREMENTS OF THE**
16 **PARTICIPATING PROVIDER'S PARTICIPATION AGREEMENT AND GLOBAL BUDGET**
17 **NEGOTIATED UNDER THIS SUBSECTION HAVE BEEN PERFORMED; AND**

18 **(II) DETERMINE WHETHER ADJUSTMENTS TO THE**
19 **PARTICIPATING PROVIDER'S PAYMENT ARE WARRANTED.**

20 **(4) THE BOARD MAY AUTHORIZE A PARTICIPATING PROVIDER WHO IS**
21 **AN INDIVIDUAL PROVIDER WHO PROVIDES ITEMS AND SERVICES AS A**
22 **PARTICIPATING PROVIDER THAT IS AN INSTITUTIONAL PROVIDER TO BE PAID**
23 **THROUGH A GLOBAL BUDGET NEGOTIATED UNDER THIS SUBSECTION INSTEAD OF**
24 **PAYMENT UNDER § 25-803 OF THIS SUBTITLE.**

25 **(5) A PARTICIPATING PROVIDER WHO IS AN INDIVIDUAL PROVIDER**
26 **WHO RECEIVES PAYMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION:**

27 **(I) SHALL BE PAID A SALARY THAT IS COMPARABLE TO THE**
28 **SALARY FOR A PROVIDER WHO IS AN EMPLOYEE OF THE INSTITUTIONAL PROVIDER;**
29 **AND**

30 **(II) IS SUBJECT TO THE SAME REPORTING AND DISCLOSURE**
31 **REQUIREMENTS AS THE INSTITUTIONAL PROVIDER.**

1 **(C) (1) BEFORE THE START OF A FISCAL YEAR, THE BOARD AND A**
2 **PARTICIPATING PROVIDER SHALL NEGOTIATE THE AMOUNT OF EACH GLOBAL**
3 **BUDGET PAYMENT FOR THAT FISCAL YEAR.**

4 **(2) THE AMOUNT NEGOTIATED UNDER PARAGRAPH (1) OF THIS**
5 **SUBSECTION SHALL TAKE INTO ACCOUNT, FOR EACH PARTICIPATING PROVIDER:**

6 **(I) THE VOLUME OF SERVICES PROVIDED IN THE IMMEDIATELY**
7 **PRECEDING 3-YEAR PERIOD;**

8 **(II) THE ACTUAL EXPENDITURES OF THE INSTITUTIONAL**
9 **PROVIDER FOR EACH ITEM AND SERVICE, AS COMPARED TO:**

10 **1. OTHER INSTITUTIONAL PROVIDERS WITHIN THE**
11 **INSTITUTIONAL PROVIDER'S MARKET; OR**

12 **2. COMPARATIVE PAYMENT RATE SYSTEMS DESCRIBED**
13 **UNDER SUBSECTION (F) OF THIS SECTION FOR THE ITEMS AND SERVICES**
14 **FURNISHED BY THE PROVIDER;**

15 **(III) EXPENDITURES OF SIMILARLY SITUATED INSTITUTIONAL**
16 **PROVIDERS;**

17 **(IV) PROJECTED CHANGES IN THE VOLUME AND TYPE OF ITEMS**
18 **AND SERVICES TO BE FURNISHED;**

19 **(V) WAGES FOR EMPLOYEES, INCLUDING NECESSARY**
20 **INCREASES TO ENSURE MINIMUM SAFE REGISTERED NURSE-TO-PATIENT STAFFING**
21 **RATIOS AND OPTIMAL STAFFING LEVELS FOR PHYSICIANS AND OTHER HEALTH**
22 **CARE WORKERS;**

23 **(VI) THE PROVIDER'S MAXIMUM CAPACITY TO PROVIDE ITEMS**
24 **AND SERVICES;**

25 **(VII) EDUCATION AND PREVENTION PROGRAMS;**

26 **(VIII) PERMISSIBLE ADJUSTMENTS TO THE OPERATING BUDGET**
27 **DUE TO FACTORS, INCLUDING:**

28 **1. INCREASING PRIMARY AND SPECIALTY CARE ACCESS;**

29 **2. DECREASING DISPARITIES IN RURAL OR MEDICALLY**
30 **UNDERSERVED AREAS;**

1 **3. RESPONDING TO EMERGENT EPIDEMIC CONCERNS;**
2 **AND**

3 **4. PROPOSED NEW AND INNOVATIVE PATIENT CARE**
4 **PROGRAMS AT THE INSTITUTIONAL LEVEL; AND**

5 **(IX) ANY OTHER FACTOR DETERMINED APPROPRIATE BY THE**
6 **BOARD.**

7 **(D) IN ADDITION TO THE LIMITATIONS AND REQUIREMENTS DESCRIBED IN**
8 **§ 25-804 OF THIS SUBTITLE, PAYMENT AMOUNTS NEGOTIATED UNDER THIS**
9 **SECTION MAY NOT:**

10 **(1) TAKE INTO ACCOUNT CAPITAL EXPENDITURES OR ANY OTHER**
11 **EXPENDITURE NOT DIRECTLY ASSOCIATED WITH THE PROVISION OF ITEMS AND**
12 **SERVICES BY THE PARTICIPATING PROVIDER TO AN INDIVIDUAL;**

13 **(2) BE USED BY A PARTICIPATING PROVIDER FOR CAPITAL**
14 **EXPENDITURES;**

15 **(3) EXCEED THE PARTICIPATING PROVIDER'S CAPACITY TO PROVIDE**
16 **CARE; AND**

17 **(4) BE USED TO PAY OR OTHERWISE COMPENSATE ANY BOARD**
18 **MEMBER, EXECUTIVE, OR ADMINISTRATOR OF THE PARTICIPATING PROVIDER WHO**
19 **HAS AN INTEREST OR RELATIONSHIP THAT IS PROHIBITED UNDER THIS TITLE.**

20 **(E) OPERATING EXPENSES OF A PARTICIPATING PROVIDER MAY INCLUDE:**

21 **(1) THE COST OF ALL SERVICES ASSOCIATED WITH THE PROVISION**
22 **OF INPATIENT CARE AND OUTPATIENT CARE, INCLUDING:**

23 **(I) WAGES AND SALARY COSTS FOR PHYSICIANS, NURSES, AND**
24 **OTHER HEALTH CARE PROVIDERS EMPLOYED BY A PARTICIPATING PROVIDER;**

25 **(II) WAGES AND SALARY COSTS FOR ALL OTHER STAFF AND**
26 **SERVICES;**

27 **(III) COSTS OF ALL PHARMACEUTICAL PRODUCTS**
28 **ADMINISTERED BY HEALTH CARE PROVIDERS AT THE PARTICIPATING PROVIDER'S**
29 **FACILITIES OR THROUGH SERVICES PROVIDED IN ACCORDANCE WITH STATE**
30 **LICENSING LAWS OR REGULATIONS UNDER WHICH THE PARTICIPATING PROVIDER**

1 OPERATES;

2 (IV) PURCHASING AND MAINTENANCE OF MEDICAL DEVICES,
3 SUPPLIES, AND OTHER HEALTH CARE TECHNOLOGIES, INCLUDING DIAGNOSTIC
4 TESTING EQUIPMENT;

5 (V) COSTS OF ALL INCIDENTAL SERVICES NECESSARY FOR SAFE
6 PATIENT CARE; AND

7 (VI) COSTS OF PATIENT CARE, EDUCATION, AND PREVENTION
8 PROGRAMS, INCLUDING OCCUPATIONAL HEALTH AND SAFETY PROGRAMS AND
9 PUBLIC HEALTH PROGRAMS, FOR THE CONTINUED EDUCATION AND HEALTH AND
10 SAFETY OF HEALTH CARE PROVIDERS AND OTHER INDIVIDUALS EMPLOYED BY THE
11 INSTITUTIONAL PROVIDER; AND

12 (2) ADMINISTRATIVE COSTS FOR THE INSTITUTIONAL PROVIDER.

13 (F) (1) THE BOARD SHALL USE THE EXISTING MEDICARE PROSPECTIVE
14 PAYMENT SYSTEMS ESTABLISHED UNDER TITLE XVIII OF THE SOCIAL SECURITY
15 ACT TO SERVE AS THE COMPARATIVE PAYMENT RATE SYSTEM IN GLOBAL BUDGET
16 NEGOTIATIONS DESCRIBED IN THIS SECTION.

17 (2) THE BOARD SHALL UPDATE THE COMPARATIVE PAYMENT RATE
18 SYSTEM ANNUALLY.

19 (3) IN DEVELOPING THE COMPARATIVE PAYMENT RATE SYSTEM, THE
20 BOARD SHALL USE ONLY THE OPERATING BASE PAYMENT RATES UNDER EACH
21 MEDICARE PROSPECTIVE PAYMENT SYSTEM WITH APPLICABLE ADJUSTMENTS.

22 (4) THE COMPARATIVE PAYMENT RATE SYSTEM ESTABLISHED UNDER
23 THIS SUBSECTION MAY NOT INCLUDE THE VALUE-BASED PAYMENT ADJUSTMENTS
24 AND THE CAPITAL EXPENSES BASE PAYMENT RATES THAT MAY BE INCLUDED IN A
25 MEDICARE PROSPECTIVE PAYMENT SYSTEM.

26 (5) IN THE FIRST YEAR THAT GLOBAL BUDGET PAYMENTS UNDER
27 HEALTHY MARYLAND ARE AVAILABLE TO PARTICIPATING PROVIDERS AND FOR THE
28 PURPOSES OF SELECTING A COMPARATIVE PAYMENT RATE SYSTEM USED DURING
29 INITIAL GLOBAL BUDGET NEGOTIATIONS FOR EACH PARTICIPATING PROVIDER, THE
30 BOARD SHALL:

31 (I) TAKE INTO ACCOUNT THE APPROPRIATE PROSPECTIVE
32 PAYMENT SYSTEM FROM THE MOST RECENT YEAR UNDER TITLE XVIII OF THE
33 SOCIAL SECURITY ACT;

1 **(II) USE THE PROSPECTIVE PAYMENT SYSTEM IDENTIFIED IN**
2 **ITEM (I) OF THIS PARAGRAPH TO DETERMINE THE OPERATING BASE PAYMENT THAT**
3 **THE PARTICIPATING PROVIDER WOULD HAVE BEEN PAID FOR COVERED ITEMS AND**
4 **SERVICES FURNISHED BY THE PARTICIPATING PROVIDER DURING THE PRECEDING**
5 **YEAR; AND**

6 **(III) APPLY APPLICABLE ADJUSTMENTS BASED ON THE**
7 **PROSPECTIVE PAYMENT SYSTEM IDENTIFIED IN ITEM (I) OF THIS PARAGRAPH,**
8 **EXCLUDING VALUE-BASED PAYMENT ADJUSTMENTS.**

9 **25-803.**

10 **(A) HEALTHY MARYLAND SHALL ENGAGE IN GOOD FAITH NEGOTIATIONS**
11 **WITH HEALTH CARE PROVIDER REPRESENTATIVES UNDER SUBTITLE 12 OF THIS**
12 **TITLE ON:**

13 **(1) FEE-FOR-SERVICE RATES OF PAYMENT FOR HEALTH CARE**
14 **SERVICES;**

15 **(2) RATES OF PAYMENT FOR PRESCRIPTION AND NONPRESCRIPTION**
16 **DRUGS; AND**

17 **(3) PAYMENT METHODOLOGIES.**

18 **(B) THE NEGOTIATIONS REQUIRED UNDER SUBSECTION (A) OF THIS**
19 **SECTION SHALL BE CONDUCTED ANNUALLY THROUGH A SINGLE ENTITY ON BEHALF**
20 **OF HEALTHY MARYLAND FOR PRESCRIPTION AND NONPRESCRIPTION DRUGS.**

21 **(C) (1) THE BOARD SHALL ESTABLISH A PRESCRIPTION DRUG**
22 **FORMULARY.**

23 **(2) THE FORMULARY ESTABLISHED UNDER THIS SUBSECTION SHALL:**

24 **(I) DISCOURAGE THE USE OF INEFFECTIVE, DANGEROUS, OR**
25 **EXCESSIVELY COSTLY MEDICATIONS WHEN BETTER ALTERNATIVES ARE AVAILABLE;**
26 **AND**

27 **(II) PROMOTE THE USE OF GENERIC MEDICATIONS TO THE**
28 **GREATEST EXTENT POSSIBLE.**

29 **(3) CLINICIANS AND PATIENTS MAY PETITION THE BOARD TO ADD**
30 **NEW PHARMACEUTICALS OR TO REMOVE INEFFECTIVE OR DANGEROUS**

1 MEDICATIONS FROM THE FORMULARY.

2 (4) THE BOARD SHALL DEVELOP AND IMPLEMENT RULES
3 REGARDING THE USE OF OFF-FORMULARY MEDICATIONS WHICH ALLOW FOR
4 PATIENT ACCESS BUT DO NOT COMPROMISE THE FORMULARY.

5 (D) THE BOARD SHALL:

6 (1) ESTABLISH FEE-FOR-SERVICE RATES OF PAYMENT THAT ARE
7 FAIR AND OPTIMAL; AND

8 (2) UPDATE THE FEE SCHEDULE ANNUALLY.

9 (E) IN THE FIRST YEAR THAT FEE-FOR-SERVICE PAYMENTS UNDER
10 HEALTHY MARYLAND ARE AVAILABLE TO INDIVIDUAL PROVIDERS, THE
11 FEE-FOR-SERVICE REIMBURSEMENTS AVAILABLE UNDER THE MEDICARE
12 PROGRAM IN EFFECT AT THE TIME SHALL BE THE BASIS FOR NEGOTIATION OF FEES
13 FOR ALL ITEMS AND SERVICES COVERED UNDER THIS TITLE.

14 25-804.

15 PAYMENTS TO PARTICIPATING PROVIDERS UNDER THIS SUBTITLE MAY NOT
16 TAKE INTO ACCOUNT, ALLOW, OR INCLUDE ANY PROCESS FOR THE PROVISION OF
17 FUNDING FOR:

18 (1) MARKETING OF THE PARTICIPATING PROVIDER;

19 (2) THE PARTICIPATING PROVIDER'S PROFIT, REVENUE, OR
20 FINANCIAL STANDING, OR INCREASING THE PARTICIPATING PROVIDER'S PROFIT,
21 REVENUE, OR FINANCIAL STANDING;

22 (3) INCENTIVE PAYMENTS, BONUSES, OR OTHER COMPENSATION
23 BASED ON PATIENT UTILIZATION OF ITEMS OR SERVICES OR ANY OTHER FINANCIAL
24 MEASURE APPLIED WITH RESPECT TO THE PARTICIPATING PROVIDER OR ANY
25 GROUP PRACTICE, CLINICALLY INTEGRATED ORGANIZATION, OR OTHER ENTITY
26 WITH WHICH THE PARTICIPATING PROVIDER CONTRACTS OR HAS A PECUNIARY
27 INTEREST, INCLUDING ANY VALUE-BASED PAYMENT OR EMPLOYMENT-BASED
28 COMPENSATION; OR

29 (4) ANY AGREEMENT OR ARRANGEMENT DESCRIBED IN § 203(A)(4)
30 OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959.

31 SUBTITLE 9. PROGRAM STANDARDS.

1 **25-901.**

2 (A) **HEALTHY MARYLAND SHALL HAVE A SINGLE STANDARD OF SAFE,**
3 **THERAPEUTIC, AND EFFECTIVE CARE FOR ALL RESIDENTS OF THE STATE.**

4 (B) **THE BOARD SHALL ESTABLISH REQUIREMENTS AND STANDARDS, BY**
5 **REGULATION, FOR THE PROGRAM AND HEALTH CARE PROVIDERS THAT ARE**
6 **CONSISTENT WITH THIS TITLE AND THE APPLICABLE PROFESSIONAL PRACTICE AND**
7 **LICENSURE STANDARDS FOR HEALTH CARE PROVIDERS ESTABLISHED UNDER**
8 **TITLE 19 OF THIS ARTICLE, THE HEALTH OCCUPATIONS ARTICLE, AND THE**
9 **INSURANCE ARTICLE, INCLUDING REQUIREMENTS AND STANDARDS, AS**
10 **APPLICABLE, FOR:**

11 (1) **THE SCOPE, QUALITY, AND ACCESSIBILITY OF HEALTH CARE**
12 **SERVICES; AND**

13 (2) **RELATIONS BETWEEN HEALTH CARE PROVIDERS AND MEMBERS.**

14 (C) **THE BOARD SHALL ESTABLISH REQUIREMENTS AND STANDARDS, BY**
15 **REGULATION, FOR HEALTHY MARYLAND THAT INCLUDE PROVISIONS TO PROMOTE:**

16 (1) **SIMPLIFICATION, TRANSPARENCY, UNIFORMITY, AND FAIRNESS**
17 **IN HEALTH CARE PROVIDER CREDENTIALING AND PARTICIPATION, REFERRALS,**
18 **PAYMENT PROCEDURES AND RATES, CLAIMS PROCESSING, AND APPROVAL OF**
19 **HEALTH CARE SERVICES, AS APPLICABLE;**

20 (2) **IN-PERSON PRIMARY AND PREVENTIVE CARE, CARE**
21 **COORDINATION, EFFICIENT AND EFFECTIVE HEALTH CARE SERVICES, QUALITY**
22 **ASSURANCE, AND PROMOTION OF PUBLIC, ENVIRONMENTAL, AND OCCUPATIONAL**
23 **HEALTH;**

24 (3) **ELIMINATION OF HEALTH CARE DISPARITIES, INCLUDING**
25 **GEOGRAPHIC, RACIAL, INCOME-BASED, GENDER-BASED, SEX-BASED, AND OTHER**
26 **DISPARITIES;**

27 (4) **CONSISTENT WITH TITLE 20 OF THE STATE GOVERNMENT**
28 **ARTICLE, TITLE 19 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND**
29 **OTHER NONDISCRIMINATION LAWS, NONDISCRIMINATION, INCLUDING A**
30 **PROHIBITION ON DISCRIMINATORY REDUCTION OF BENEFITS, WITH RESPECT TO**
31 **MEMBERS AND HEALTH CARE PROVIDERS ON THE BASIS OF RACE, COLOR, RELIGION**
32 **OR CREED, SEX, AGE, ANCESTRY OR NATIONAL ORIGIN, MARITAL STATUS, MENTAL**
33 **OR PHYSICAL DISABILITY, SEXUAL ORIENTATION, GENDER IDENTITY OR**

1 EXPRESSION, CITIZENSHIP, IMMIGRATION STATUS, PRIMARY LANGUAGE, MEDICAL
2 CONDITION, GENETIC INFORMATION, FAMILIAL STATUS, MILITARY OR VETERAN
3 STATUS, OR SOURCE OF INCOME;

4 (5) THE PROVISION OF HEALTH CARE SERVICES UNDER HEALTHY
5 MARYLAND THAT IS APPROPRIATE TO THE PATIENT'S CLINICALLY RELEVANT
6 CIRCUMSTANCES;

7 (6) ACCESSIBILITY OF PRIMARY CARE AND OTHER HEALTH CARE
8 SERVICES, INCLUDING ACCESSIBILITY FOR PEOPLE WITH DISABILITIES AND PEOPLE
9 WITH LIMITED ABILITY TO SPEAK OR UNDERSTAND ENGLISH; AND

10 (7) THE PROVISION OF PRIMARY CARE AND OTHER HEALTH CARE
11 SERVICES IN A CULTURALLY COMPETENT MANNER.

12 (D) THE BOARD SHALL ESTABLISH REQUIREMENTS AND STANDARDS, BY
13 REGULATION AND TO THE EXTENT AUTHORIZED BY FEDERAL LAW, FOR REPLACING
14 AND MERGING WITH HEALTHY MARYLAND ANY HEALTH CARE SERVICES AND
15 ANCILLARY SERVICES CURRENTLY PROVIDED BY OTHER PROGRAMS, INCLUDING:

16 (1) MEDICARE;

17 (2) THE AFFORDABLE CARE ACT; AND

18 (3) FEDERALLY MATCHED PUBLIC HEALTH PROGRAMS.

19 (E) (1) ANY PARTICIPATING PROVIDER THAT IS ORGANIZED AS A
20 NONPROFIT ENTITY MAY NOT RECEIVE PAYMENTS FOR ITEMS OR SERVICES
21 FURNISHED UNDER HEALTHY MARYLAND TO ACCOMMODATE INCREASES IN NET
22 INCOME.

23 (2) ANY PARTICIPATING PROVIDER THAT IS ORGANIZED AS A
24 FOR-PROFIT ENTITY SHALL BE REQUIRED TO MEET THE SAME REQUIREMENTS AND
25 STANDARDS AS ENTITIES ORGANIZED AS NONPROFIT ENTITIES.

26 (3) PAYMENTS UNDER HEALTHY MARYLAND TO FOR-PROFIT
27 ENTITIES MAY NOT BE CALCULATED TO ACCOMMODATE THE GENERATION OF
28 PROFIT, EXCESS REVENUE, REVENUE FOR DIVIDENDS, OR OTHER RETURN ON
29 INVESTMENT OR THE PAYMENT OF TAXES THAT WOULD NOT BE PAID BY A
30 NONPROFIT ENTITY.

31 (F) (1) A HEALTH CARE PROVIDER WHO PARTICIPATES IN HEALTHY
32 MARYLAND SHALL:

1 (I) PROVIDE INFORMATION AS REQUIRED BY:

2 1. THE MARYLAND HEALTH CARE COMMISSION;

3 2. THE HEALTH SERVICES COST REVIEW COMMISSION;

4 AND

5 3. THE DEPARTMENT; AND

6 (II) ALLOW EXAMINATION OF THE INFORMATION BY HEALTHY
7 MARYLAND AS MAY BE REASONABLY REQUIRED FOR PURPOSES OF REVIEWING
8 ACCESSIBILITY AND UTILIZATION OF HEALTH CARE SERVICES, QUALITY
9 ASSURANCE, COST CONTAINMENT, THE MAKING OF PAYMENTS, AND STATISTICAL OR
10 OTHER STUDIES OF THE OPERATION OF THE PROGRAM OR FOR PROTECTION AND
11 PROMOTION OF PUBLIC, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH.

12 (2) THE BOARD SHALL USE DATA COLLECTED UNDER THIS
13 SUBSECTION TO ENSURE THAT CLINICAL PRACTICES MEET THE UTILIZATION,
14 QUALITY, AND ACCESS STANDARDS OF HEALTHY MARYLAND.

15 (G) IN DEVELOPING REQUIREMENTS AND STANDARDS AND MAKING OTHER
16 POLICY DETERMINATIONS UNDER THIS TITLE, THE BOARD SHALL CONSULT WITH
17 REPRESENTATIVES OF MEMBERS, HEALTH CARE PROVIDERS, LABOR
18 ORGANIZATIONS REPRESENTING HEALTH CARE EMPLOYEES, AND OTHER
19 INTERESTED PARTIES.

20 25-902.

21 (A) AS PART OF A HEALTH CARE PROVIDER'S DUTY TO EXERCISE A
22 PROFESSIONAL STANDARD OF CARE WHEN EVALUATING EACH INDIVIDUAL
23 PATIENT'S MEDICAL CONDITION, A HEALTH CARE PROVIDER UNDER HEALTHY
24 MARYLAND HAS A DUTY TO:

25 (1) ADVOCATE FOR MEDICALLY NECESSARY HEALTH CARE FOR EACH
26 OF THE HEALTH CARE PROVIDER'S INDIVIDUAL PATIENTS; AND

27 (2) ACT IN THE EXCLUSIVE INTEREST OF EACH OF THE HEALTH CARE
28 PROVIDER'S INDIVIDUAL PATIENTS.

29 (B) CONSISTENT WITH SUBSECTION (A) OF THIS SECTION AND WITH
30 PROFESSIONAL STANDARDS OF CARE UNDER THE HEALTH OCCUPATIONS ARTICLE:

1 **(1) A PATIENT’S TREATING PHYSICIAN OR OTHER HEALTH CARE**
2 **PROVIDER WHO, ACCORDING TO THE HEALTH CARE PROVIDER’S SCOPE OF**
3 **PRACTICE AND LICENSE IS AUTHORIZED TO ESTABLISH A MEDICAL DIAGNOSIS, IS**
4 **RESPONSIBLE FOR THE DETERMINATION OF THE HEALTH CARE SERVICES**
5 **MEDICALLY NECESSARY FOR THE PATIENT;**

6 **(2) A HEALTH CARE PROVIDER:**

7 **(I) SHALL USE REASONABLE CARE AND DILIGENCE IN**
8 **SAFEGUARDING THE HEALTH CARE PROVIDER’S PATIENT; AND**

9 **(II) MAY NOT IMPAIR A HEALTH CARE PROVIDER’S DUTY UNDER**
10 **SUBSECTION (A) OF THIS SECTION;**

11 **(3) ANY PECUNIARY INTEREST OR RELATIONSHIP OF A HEALTH CARE**
12 **PROVIDER, INCLUDING ANY INTEREST OR RELATIONSHIP DISCLOSED UNDER**
13 **SUBSECTION (C) OF THIS SECTION, THAT IMPAIRS THE HEALTH CARE PROVIDER’S**
14 **OWN ABILITY TO PROVIDE MEDICALLY NECESSARY HEALTH CARE TO THE HEALTH**
15 **CARE PROVIDER’S PATIENT VIOLATES THE HEALTH CARE PROVIDER’S DUTY TO**
16 **ADVOCATE FOR MEDICALLY NECESSARY HEALTH CARE FOR THE PATIENT; AND**

17 **(4) A HEALTH CARE PROVIDER VIOLATES THE DUTY TO PROVIDE**
18 **MEDICALLY NECESSARY CARE UNDER THIS SECTION IF THE HEALTH CARE**
19 **PROVIDER ACCEPTS ANY BONUS, INCENTIVE PAYMENT, OR COMPENSATION BASED**
20 **ON:**

21 **(I) A PATIENT’S UTILIZATION OF SERVICES; OR**

22 **(II) THE FINANCIAL RESULTS OF ANY OTHER HEALTH CARE**
23 **PROVIDER OR CARE COORDINATOR WITH WHICH THE HEALTH CARE PROVIDER HAS**
24 **A PECUNIARY INTEREST OR CONTRACTUAL RELATIONSHIP, INCLUDING**
25 **EMPLOYMENT OR OTHER COMPENSATION–BASED RELATIONSHIP.**

26 **(C) TO EVALUATE AND REVIEW COMPLIANCE BY HEALTH CARE PROVIDERS**
27 **WITH THIS SECTION, HEALTH CARE PROVIDERS PARTICIPATING IN HEALTHY**
28 **MARYLAND SHALL REPORT, AT LEAST ANNUALLY, TO THE HEALTH SERVICES COST**
29 **REVIEW COMMISSION:**

30 **(1) ANY BENEFICIAL INTEREST OR COMPENSATION ARRANGEMENT**
31 **REQUIRED TO BE DISCLOSED TO A PATIENT UNDER § 1–303 OR § 1–304 OF THE**
32 **HEALTH OCCUPATIONS ARTICLE;**

33 **(2) ANY MEMBERSHIP, PROPRIETARY INTEREST, OR CO–OWNERSHIP**

1 IN ANY FORM IN OR WITH A CLINICAL OR BIOANALYTICAL LABORATORY;

2 (3) ANY PAYMENTS TO A CLINICAL OR BIOANALYTICAL LABORATORY
3 REQUIRED TO BE DISCLOSED TO A PATIENT UNDER § 14-404(A)(16) OF THE HEALTH
4 OCCUPATIONS ARTICLE;

5 (4) ANY PROFIT-SHARING ARRANGEMENT WITH A CLINICAL OR
6 BIOANALYTICAL LABORATORY;

7 (5) ANY CONTRACTS OR SUBCONTRACTS ENTERED INTO:

8 (I) THAT CONTAIN INCENTIVE PLANS;

9 (II) THAT INVOLVE GENERAL PAYMENTS THAT ARE NOT TIED TO
10 SPECIFIC MEDICAL DECISIONS INVOLVING SPECIFIC ENROLLEES OR GROUPS OF
11 ENROLLEES WITH SIMILAR MEDICAL CONDITIONS; OR

12 (III) UNDER § 15-113 OF THE INSURANCE ARTICLE;

13 (6) ANY BONUS, INCENTIVE AGREEMENTS, OR COMPENSATION
14 ARRANGEMENTS WITH ANY HEALTH CARE PROVIDER;

15 (7) ANY BONUS, INCENTIVE AGREEMENTS, OR COMPENSATION
16 ARRANGEMENTS WITH A CLINICALLY INTEGRATED ORGANIZATION AS DEFINED IN §
17 15-1901 OF THE INSURANCE ARTICLE; AND

18 (8) ANY OFFER, DELIVERY, RECEIPT, OR ACCEPTANCE OF A REBATE,
19 REFUND, COMMISSION, PREFERENCE, PATRONAGE DIVIDEND, DISCOUNT, OR OTHER
20 CONSIDERATION FOR A REFERRAL MADE UNDER § 1-302(D) OF THE HEALTH
21 OCCUPATIONS ARTICLE.

22 (D) AS NECESSARY, THE BOARD MAY ADOPT RULES AND REGULATIONS TO:

23 (1) IMPLEMENT AND ENFORCE THIS SECTION; AND

24 (2) EXPAND REPORTING REQUIREMENTS UNDER THIS SECTION.

25 SUBTITLE 10. FUNDING.

26 25-1001.

27 (A) THE BOARD SHALL SEEK ALL FEDERAL WAIVERS AND OTHER FEDERAL
28 APPROVALS AND ARRANGEMENTS AND SUBMIT STATE PLAN AMENDMENTS AS

1 NECESSARY TO OPERATE HEALTHY MARYLAND CONSISTENT WITH THIS TITLE.

2 (B) (1) ON OR BEFORE DECEMBER 1, 2019, THE BOARD SHALL APPLY TO
3 THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES OR OTHER
4 APPROPRIATE FEDERAL OFFICIAL FOR ALL WAIVERS OF REQUIREMENTS, AND MAKE
5 OTHER ARRANGEMENTS, UNDER MEDICARE, ANY FEDERALLY MATCHED PUBLIC
6 HEALTH PROGRAM, THE AFFORDABLE CARE ACT, AND ANY OTHER FEDERAL
7 PROGRAMS PERTAINING TO THE PROVISION OF HEALTH CARE THAT PROVIDE
8 FEDERAL FUNDS FOR PAYMENT FOR HEALTH CARE SERVICES THAT ARE NECESSARY
9 TO:

10 (I) ENABLE ALL MEMBERS TO RECEIVE ALL BENEFITS
11 THROUGH HEALTHY MARYLAND;

12 (II) ENABLE THE STATE TO IMPLEMENT THIS TITLE;

13 (III) ALLOW THE STATE TO RECEIVE AND DEPOSIT ALL FEDERAL
14 PAYMENTS UNDER THOSE PROGRAMS, INCLUDING FUNDS THAT MAY BE PROVIDED
15 IN LIEU OF PREMIUM TAX CREDITS, COST-SHARING SUBSIDIES, AND SMALL
16 BUSINESS TAX CREDITS, IN THE STATE TREASURY TO THE CREDIT OF THE HEALTHY
17 MARYLAND TRUST FUND CREATED UNDER SUBTITLE 11 OF THIS TITLE; AND

18 (IV) USE FUNDS DEPOSITED IN THE FUND FOR HEALTHY
19 MARYLAND AND OTHER PROVISIONS UNDER THIS TITLE.

20 (2) TO THE FULLEST EXTENT POSSIBLE, THE BOARD SHALL
21 NEGOTIATE ARRANGEMENTS WITH THE FEDERAL GOVERNMENT TO ENSURE THAT
22 FEDERAL PAYMENTS ARE PAID TO HEALTHY MARYLAND IN PLACE OF FEDERAL
23 FUNDING OF, OR TAX BENEFITS FOR, FEDERALLY MATCHED PUBLIC HEALTH
24 PROGRAMS OR FEDERAL HEALTH PROGRAMS.

25 (3) TO THE EXTENT ANY FEDERAL FUNDING IS NOT PAID DIRECTLY
26 TO HEALTHY MARYLAND, THE STATE SHALL DIRECT THE FUNDING TO HEALTHY
27 MARYLAND.

28 (4) (I) THE BOARD MAY REQUIRE MEMBERS OR APPLICANTS TO
29 PROVIDE INFORMATION NECESSARY FOR HEALTHY MARYLAND TO COMPLY WITH
30 ANY WAIVER OR ARRANGEMENT UNDER THIS TITLE.

31 (II) INFORMATION PROVIDED BY MEMBERS OR APPLICANTS TO
32 THE BOARD FOR THE PURPOSES OF THIS PARAGRAPH MAY NOT BE USED FOR ANY
33 OTHER PURPOSE.

1 **(5) THE BOARD MAY TAKE ANY ACTION NECESSARY TO EFFECTIVELY**
2 **IMPLEMENT HEALTHY MARYLAND TO THE MAXIMUM EXTENT POSSIBLE AS A**
3 **SINGLE-PAYER PROGRAM CONSISTENT WITH THIS TITLE.**

4 **(C) (1) THE BOARD MAY TAKE ANY ACTION CONSISTENT WITH THIS**
5 **ARTICLE TO ENABLE THE PROGRAM TO ADMINISTER MEDICARE IN THE STATE.**

6 **(2) HEALTHY MARYLAND SHALL:**

7 **(I) PROVIDE SUPPLEMENTAL INSURANCE COVERAGE UNDER**
8 **MEDICARE PART B; AND**

9 **(II) PROVIDE PREMIUM ASSISTANCE DRUG COVERAGE UNDER**
10 **MEDICARE PART D FOR ELIGIBLE MEMBERS OF MEDICARE PART D.**

11 **(D) THE BOARD MAY WAIVE OR MODIFY THE APPLICABILITY OF ANY**
12 **PROVISIONS OF THIS SUBTITLE RELATING TO ANY FEDERALLY MATCHED PUBLIC**
13 **HEALTH PROGRAM OR MEDICARE, AS NECESSARY, TO:**

14 **(1) IMPLEMENT ANY WAIVER ARRANGEMENT UNDER THIS SUBTITLE;**
15 **OR**

16 **(2) MAXIMIZE THE FEDERAL BENEFITS TO HEALTHY MARYLAND**
17 **UNDER THIS SUBTITLE.**

18 **(E) (1) THE BOARD MAY APPLY FOR COVERAGE FOR, AND ENROLL, ANY**
19 **ELIGIBLE MEMBER UNDER ANY FEDERALLY MATCHED PUBLIC HEALTH PROGRAM**
20 **OR MEDICARE.**

21 **(2) ENROLLMENT IN A FEDERALLY MATCHED PUBLIC HEALTH**
22 **PROGRAM OR MEDICARE MAY NOT:**

23 **(I) CAUSE ANY MEMBER TO LOSE ANY HEALTH CARE SERVICE**
24 **PROVIDED BY HEALTHY MARYLAND; OR**

25 **(II) DIMINISH ANY RIGHT THE MEMBER WOULD OTHERWISE**
26 **HAVE UNDER ANY FEDERALLY MATCHED PUBLIC HEALTH PROGRAM OR MEDICARE.**

27 **(F) NOTWITHSTANDING ANY OTHER LAW, THE BOARD SHALL TAKE ACTION**
28 **NECESSARY TO INCORPORATE HEALTH CARE COVERAGE OF STATE RESIDENTS WHO**
29 **ARE EMPLOYED IN OTHER JURISDICTIONS INTO WAIVERS AND OTHER APPROVALS**
30 **APPLIED FOR OR OBTAINED UNDER THIS SECTION.**

1 **(G) (1) NOTWITHSTANDING ANY OTHER LAW, THE BOARD SHALL TAKE**
2 **NECESSARY ACTION TO REDUCE OR ELIMINATE HEALTHY MARYLAND MEMBER**
3 **COINSURANCE, COST-SHARING, OR PREMIUM OBLIGATIONS AND INCREASE**
4 **MEMBER ELIGIBILITY FOR ANY FEDERAL FINANCIAL SUPPORT RELATED TO**
5 **MEDICARE OR THE AFFORDABLE CARE ACT.**

6 **(2) THE BOARD MAY ACT UNDER PARAGRAPH (1) OF THIS**
7 **SUBSECTION ONLY ON A FINDING APPROVED BY THE SECRETARY OF BUDGET AND**
8 **MANAGEMENT AND THE BOARD THAT THE ACTION:**

9 **(I) WILL HELP TO INCREASE THE NUMBER OF MEMBERS WHO**
10 **ARE ELIGIBLE FOR AND ENROLLED IN FEDERALLY MATCHED PUBLIC HEALTH**
11 **PROGRAMS, OR OTHER PROGRAMS, TO REDUCE OR ELIMINATE MEMBER**
12 **COINSURANCE, COST-SHARING, OR PREMIUM OBLIGATIONS OR INCREASE MEMBER**
13 **ELIGIBILITY FOR ANY FEDERAL FINANCIAL SUPPORT RELATED TO MEDICARE OR**
14 **THE AFFORDABLE CARE ACT;**

15 **(II) WILL NOT DIMINISH ANY MEMBER'S ACCESS TO ANY**
16 **HEALTH CARE SERVICE OR RIGHT THE MEMBER WOULD OTHERWISE HAVE UNDER**
17 **ANY FEDERALLY MATCHED PUBLIC HEALTH PROGRAM OR MEDICARE;**

18 **(III) IS IN THE INTEREST OF HEALTHY MARYLAND; AND**

19 **(IV) DOES NOT REQUIRE OR HAS RECEIVED ANY NECESSARY**
20 **FEDERAL WAIVERS OR APPROVALS TO ENSURE FEDERAL FINANCIAL**
21 **PARTICIPATION.**

22 **(3) ACTION THAT THE BOARD MAY TAKE UNDER PARAGRAPH (1) OF**
23 **THIS SUBSECTION MAY INCLUDE:**

24 **(I) AN INCREASE TO INCOME ELIGIBILITY LEVELS RELATED TO**
25 **MEDICARE OR THE AFFORDABLE CARE ACT;**

26 **(II) AN INCREASE TO OR AN ELIMINATION OF THE RESOURCE**
27 **TEST FOR ELIGIBILITY RELATED TO MEDICARE OR THE AFFORDABLE CARE ACT;**

28 **(III) SIMPLIFICATION OF ANY PROCEDURAL OR**
29 **DOCUMENTATION REQUIREMENT FOR ENROLLMENT RELATED TO MEDICARE OR**
30 **THE AFFORDABLE CARE ACT; AND**

31 **(IV) AN INCREASE IN THE BENEFITS FOR ANY FEDERALLY**
32 **MATCHED PUBLIC HEALTH PROGRAM AND FOR ANY OTHER PROGRAM TO REDUCE**
33 **OR ELIMINATE MEMBER COINSURANCE, COST-SHARING, OR PREMIUM OBLIGATIONS**

1 OR INCREASE MEMBER ELIGIBILITY FOR ANY FEDERAL FINANCIAL SUPPORT
2 RELATED TO MEDICARE OR THE AFFORDABLE CARE ACT.

3 (4) ACTIONS UNDER THIS SUBSECTION MAY NOT APPLY TO
4 ELIGIBILITY FOR PAYMENT FOR LONG-TERM SERVICES AND SUPPORTS.

5 (H) TO ENABLE THE BOARD TO APPLY FOR COVERAGE FOR, AND ENROLL,
6 ANY ELIGIBLE MEMBER UNDER ANY FEDERALLY MATCHED PUBLIC HEALTH
7 PROGRAM, MEDICARE, OR ANY PROGRAM OR BENEFIT UNDER MEDICARE, THE
8 BOARD MAY REQUIRE THAT ALL MEMBERS OR APPLICANTS FOR SUCH COVERAGE
9 OR BENEFITS UNDER THOSE PROGRAMS PROVIDE THE INFORMATION NECESSARY
10 TO ENABLE THE BOARD TO DETERMINE WHETHER THE MEMBERS OR APPLICANTS
11 ARE ELIGIBLE FOR COVERAGE OR BENEFITS UNDER THOSE PROGRAMS.

12 (I) AS A CONDITION OF CONTINUED ELIGIBILITY FOR HEALTH CARE
13 SERVICES UNDER HEALTHY MARYLAND, A MEMBER WHO IS ELIGIBLE FOR BENEFITS
14 UNDER MEDICARE SHALL ENROLL IN MEDICARE, INCLUDING PARTS A, B, AND D.

15 (J) (1) HEALTHY MARYLAND SHALL PROVIDE PREMIUM ASSISTANCE
16 FOR ALL MEMBERS ENROLLING IN A MEDICARE PART D DRUG COVERAGE PLAN
17 UNDER TITLE XVIII, § 1860D OF THE SOCIAL SECURITY ACT.

18 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE
19 PREMIUM ASSISTANCE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS
20 LIMITED TO THE LOW-INCOME BENCHMARK PREMIUM AMOUNT ESTABLISHED BY
21 THE CENTERS FOR MEDICARE AND MEDICAID SERVICES AND ANY OTHER AMOUNT
22 THE FEDERAL AGENCY ESTABLISHES UNDER ITS DE MINIMUS PREMIUM POLICY.

23 (II) PREMIUM ASSISTANCE PAYMENTS MADE UNDER
24 PARAGRAPH (1) OF THIS SUBSECTION ON BEHALF OF MEMBERS ENROLLED IN A
25 MEDICARE ADVANTAGE PLAN MAY EXCEED THE LOW-INCOME BENCHMARK
26 PREMIUM AMOUNT IF DETERMINED TO BE COST EFFECTIVE TO HEALTHY
27 MARYLAND.

28 (K) IF HEALTHY MARYLAND HAS REASONABLE GROUNDS TO BELIEVE THAT
29 A MEMBER MAY BE ELIGIBLE FOR AN INCOME-RELATED SUBSIDY UNDER TITLE
30 XVIII, § 1860D-14 OF THE SOCIAL SECURITY ACT:

31 (1) THE MEMBER SHALL PROVIDE AND AUTHORIZE HEALTHY
32 MARYLAND TO OBTAIN ANY INFORMATION OR DOCUMENTATION REQUIRED TO
33 ESTABLISH THE MEMBER'S ELIGIBILITY FOR THAT SUBSIDY; AND

34 (2) HEALTHY MARYLAND SHALL ATTEMPT TO OBTAIN AS MUCH OF

1 THE INFORMATION AND DOCUMENTATION REQUIRED TO BE PROVIDED UNDER ITEM
2 (1) OF THIS SUBSECTION AS POSSIBLE.

3 (L) (1) HEALTHY MARYLAND SHALL MAKE A REASONABLE EFFORT TO
4 NOTIFY EACH MEMBER OF THE MEMBER'S OBLIGATIONS UNDER THIS SECTION.

5 (2) IF A REASONABLE EFFORT HAS BEEN MADE TO CONTACT THE
6 MEMBER AND THE MEMBER HAS NOT PROVIDED INFORMATION REQUIRED UNDER
7 THIS SECTION, HEALTHY MARYLAND SHALL NOTIFY THE MEMBER IN WRITING THAT
8 THE MEMBER HAS 60 DAYS TO PROVIDE THE REQUIRED INFORMATION.

9 (3) IF THE MEMBER DOES NOT PROVIDE THE REQUIRED
10 INFORMATION WITHIN 60 DAYS AFTER RECEIPT OF THE NOTIFICATION UNDER
11 PARAGRAPH (2) OF THIS SUBSECTION, THE MEMBER'S COVERAGE UNDER HEALTHY
12 MARYLAND MAY BE TERMINATED.

13 (4) INFORMATION PROVIDED BY MEMBERS OR APPLICANTS TO THE
14 BOARD FOR THE PURPOSES OF THIS SECTION MAY NOT BE USED FOR ANY OTHER
15 PURPOSE.

16 (M) HEALTHY MARYLAND SHALL ASSUME RESPONSIBILITY FOR PROVIDING
17 ALL BENEFITS AND HEALTH CARE SERVICES PAID FOR BY THE FEDERAL
18 GOVERNMENT WITH THE FEDERAL FUNDS PROVIDED FOR THOSE BENEFITS AND
19 SERVICES.

20 SUBTITLE 11. HEALTHY MARYLAND TRUST FUND.

21 25-1101.

22 (A) THERE IS A HEALTHY MARYLAND TRUST FUND.

23 (B) THE PURPOSE OF THE FUND IS TO IMPLEMENT THE PURPOSES OF
24 HEALTHY MARYLAND UNDER THIS TITLE.

25 (C) THE HEALTHY MARYLAND BOARD SHALL ADMINISTER THE FUND.

26 (D) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO
27 § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

28 (E) THE FUND SHALL CONSIST OF:

29 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

1 **(2) MONEY FROM ANY PAYROLL PREMIUM ADOPTED UNDER THIS**
2 **TITLE;**

3 **(3) MONEY TRANSFERRED TO THE FUND THAT IS ATTRIBUTABLE TO**
4 **STATE AND FEDERAL FINANCIAL PARTICIPATION IN MEDICAID, THE MARYLAND**
5 **CHILDREN'S HEALTH PROGRAM, OR MEDICARE;**

6 **(4) FEDERAL PAYMENTS RECEIVED BY THE STATE AS A RESULT OF**
7 **ANY WAIVER OF REQUIREMENTS GRANTED OR OTHER ARRANGEMENTS AGREED TO**
8 **BY THE UNITED STATES SECRETARY OF HEALTH AND HUMAN SERVICES OR OTHER**
9 **APPROPRIATE FEDERAL OFFICIAL FOR HEALTH CARE PROGRAMS ESTABLISHED**
10 **UNDER MEDICARE, ANY FEDERALLY MATCHED PUBLIC HEALTH PROGRAM, OR THE**
11 **AFFORDABLE CARE ACT;**

12 **(5) FEDERAL AND STATE FUNDS FOR PURPOSES OF THE PROVISION**
13 **OF SERVICES AUTHORIZED UNDER TITLE XX OF THE SOCIAL SECURITY ACT THAT**
14 **WOULD OTHERWISE BE COVERED UNDER HEALTHY MARYLAND;**

15 **(6) MONEY FROM OTHER FEDERAL PROGRAMS THAT PROVIDE FUNDS**
16 **FOR THE PAYMENT OF HEALTH CARE SERVICES THAT ARE PROVIDED UNDER THIS**
17 **TITLE;**

18 **(7) STATE AND LOCAL FUNDS APPROPRIATED FOR HEALTH CARE**
19 **SERVICES AND BENEFITS THAT ARE PROVIDED UNDER THIS TITLE;**

20 **(8) THE AMOUNTS PAID BY THE STATE THAT ARE EQUIVALENT TO**
21 **THOSE AMOUNTS THAT ARE PAID ON BEHALF OF RESIDENTS OF THE STATE UNDER**
22 **MEDICARE, ANY FEDERALLY MATCHED PUBLIC HEALTH PROGRAM, OR THE**
23 **AFFORDABLE CARE ACT FOR HEALTH BENEFITS THAT ARE EQUIVALENT TO HEALTH**
24 **BENEFITS COVERED UNDER HEALTHY MARYLAND; AND**

25 **(9) INVESTMENT EARNINGS OF THE FUND.**

26 **(F) NOTWITHSTANDING ANY OTHER LAW, MONEY IN THE FUND MAY NOT BE**
27 **TRANSFERRED TO:**

28 **(1) THE GENERAL FUND OR A SPECIAL FUND OF THE STATE; OR**

29 **(2) ANY FUND OF A COUNTY OR MUNICIPALITY.**

30 **(G) THE FUND MAY BE USED ONLY FOR HEALTHY MARYLAND AS**
31 **ESTABLISHED BY THIS TITLE.**

1 **(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY IN THE FUND**
2 **IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

3 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO**
4 **THE FUND.**

5 **(I) THE BOARD SHALL ESTABLISH AND MAINTAIN A PRUDENT RESERVE IN**
6 **THE FUND.**

7 **(J) THE BOARD OR STAFF OF THE BOARD MAY NOT USE ANY FUNDS**
8 **INTENDED FOR THE ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD**
9 **FOR STAFF RETREATS, PROMOTIONAL GIVEAWAYS, EXCESSIVE EXECUTIVE**
10 **COMPENSATION, OR PROMOTION OF FEDERAL OR STATE LEGISLATIVE OR**
11 **REGULATORY MODIFICATIONS.**

12 **(K) (1) THERE IS A HEALTHY MARYLAND FEDERAL FUNDS ACCOUNT**
13 **WITHIN THE FUND.**

14 **(2) ALL FEDERAL MONEY SHALL BE PLACED INTO THE HEALTHY**
15 **MARYLAND FEDERAL FUNDS ACCOUNT.**

16 **SUBTITLE 12. COLLECTIVE NEGOTIATION WITH HEALTHY MARYLAND.**

17 **25-1201.**

18 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 **(B) (1) "HEALTH CARE PROVIDER" MEANS AN INDIVIDUAL OR ENTITY**
21 **THAT IS:**

22 **(I) LICENSED, CERTIFIED, REGISTERED, OR AUTHORIZED TO**
23 **PRACTICE A HEALTH CARE PROFESSION IN THE STATE; AND**

24 **(II) APPROVED TO PARTICIPATE IN HEALTHY MARYLAND**
25 **UNDER § 25-701 OF THIS TITLE.**

26 **(2) "HEALTH CARE PROVIDER" INCLUDES:**

27 **(I) AN INDIVIDUAL WHO PRACTICES A HEALTH CARE**
28 **PROFESSION AS AN INDEPENDENT CONTRACTOR;**

29 **(II) AN OWNER, OFFICER, SHAREHOLDER, OR PROPRIETOR OF A**

1 HEALTH CARE PROVIDER; AND

2 (III) AN ENTITY THAT EMPLOYS OR UTILIZES HEALTH CARE
3 PROVIDERS TO PROVIDE HEALTH CARE SERVICES, INCLUDING A HEALTH CARE
4 FACILITY AS DEFINED IN § 19-114 OF THIS ARTICLE.

5 (3) "HEALTH CARE PROVIDER" DOES NOT INCLUDE AN INDIVIDUAL
6 WHO PRACTICES A HEALTH CARE PROFESSION AS AN EMPLOYEE OF ANOTHER
7 HEALTH CARE PROVIDER.

8 (C) "HEALTH CARE PROVIDERS' REPRESENTATIVE" MEANS A THIRD PARTY
9 THAT IS AUTHORIZED BY HEALTH CARE PROVIDERS TO NEGOTIATE ON THE HEALTH
10 CARE PROVIDERS' BEHALF WITH HEALTHY MARYLAND OVER TERMS AND
11 CONDITIONS AFFECTING THOSE HEALTH CARE PROVIDERS.

12 25-1202.

13 (A) HEALTH CARE PROVIDERS MAY MEET AND COMMUNICATE FOR THE
14 PURPOSE OF COLLECTIVELY NEGOTIATING WITH HEALTHY MARYLAND ON ANY
15 MATTER RELATING TO HEALTHY MARYLAND INCLUDING:

16 (1) RATES OF PAYMENT FOR HEALTH CARE SERVICES;

17 (2) RATES OF PAYMENT FOR PRESCRIPTION AND NONPRESCRIPTION
18 DRUGS; AND

19 (3) PAYMENT METHODOLOGIES.

20 (B) THIS SUBTITLE MAY NOT BE CONSTRUED TO:

21 (1) ALLOW A STRIKE OF HEALTHY MARYLAND BY HEALTH CARE
22 PROVIDERS RELATED TO THE COLLECTIVE NEGOTIATIONS; OR

23 (2) ALLOW OR AUTHORIZE TERMS OR CONDITIONS THAT WOULD
24 IMPEDE THE ABILITY OF HEALTHY MARYLAND TO:

25 (I) OBTAIN OR RETAIN ACCREDITATION BY THE NATIONAL
26 COMMITTEE FOR QUALITY ASSURANCE OR A SIMILAR BODY; OR

27 (II) COMPLY WITH APPLICABLE STATE OR FEDERAL LAW.

28 25-1203.

1 **(A) A HEALTH CARE PROVIDERS' REPRESENTATIVE IS THE ONLY PARTY**
2 **AUTHORIZED TO NEGOTIATE WITH HEALTHY MARYLAND ON BEHALF OF THE**
3 **HEALTH CARE PROVIDERS AS A GROUP.**

4 **(B) A HEALTH CARE PROVIDER MAY BE BOUND BY THE TERMS AND**
5 **CONDITIONS NEGOTIATED BY THE HEALTH CARE PROVIDERS' REPRESENTATIVE.**

6 **(C) DURING COLLECTIVE NEGOTIATIONS, HEALTH CARE PROVIDERS MAY**
7 **COMMUNICATE WITH:**

8 **(1) OTHER HEALTH CARE PROVIDERS REGARDING THE TERMS AND**
9 **CONDITIONS TO BE NEGOTIATED WITH HEALTHY MARYLAND; AND**

10 **(2) HEALTH CARE PROVIDERS' REPRESENTATIVES.**

11 **(D) HEALTHY MARYLAND MAY:**

12 **(1) COMMUNICATE AND NEGOTIATE WITH THE HEALTH CARE**
13 **PROVIDERS' REPRESENTATIVE; AND**

14 **(2) OFFER AND PROVIDE DIFFERENT TERMS AND CONDITIONS TO**
15 **INDIVIDUAL COMPETING HEALTH CARE PROVIDERS.**

16 **(E) THIS SECTION DOES NOT AFFECT OR LIMIT THE RIGHT OF A HEALTH**
17 **CARE PROVIDER OR GROUP OF HEALTH CARE PROVIDERS TO COLLECTIVELY**
18 **PETITION A GOVERNMENTAL ENTITY FOR A CHANGE IN A LAW, RULE, OR**
19 **REGULATION.**

20 **(F) THIS SECTION DOES NOT AFFECT OR LIMIT:**

21 **(1) COLLECTIVE ACTION OR COLLECTIVE BARGAINING ON THE PART**
22 **OF A HEALTH CARE PROVIDER WITH THE HEALTH CARE PROVIDER'S EMPLOYER; OR**

23 **(2) ANY OTHER LAWFUL COLLECTIVE ACTION OR COLLECTIVE**
24 **BARGAINING BY HEALTH CARE PROVIDERS.**

25 **(G) BEFORE ENGAGING IN COLLECTIVE NEGOTIATIONS WITH HEALTHY**
26 **MARYLAND ON BEHALF OF HEALTH CARE PROVIDERS, A HEALTH CARE PROVIDERS'**
27 **REPRESENTATIVE SHALL FILE WITH THE BOARD, IN THE MANNER PRESCRIBED BY**
28 **THE BOARD, INFORMATION IDENTIFYING:**

29 **(1) THE REPRESENTATIVE;**

1 **(2) THE REPRESENTATIVE'S PLAN OF OPERATION; AND**

2 **(3) THE REPRESENTATIVE'S PROCEDURES TO ENSURE COMPLIANCE**
3 **WITH THIS SUBTITLE.**

4 **(H) (1) A PERSON WHO ACTS AS THE REPRESENTATIVE OF NEGOTIATING**
5 **PARTIES UNDER THIS SUBTITLE SHALL PAY A FEE TO THE BOARD TO ACT AS A**
6 **REPRESENTATIVE.**

7 **(2) THE BOARD SHALL SET THE FEE REQUIRED UNDER PARAGRAPH**
8 **(1) OF THIS SUBSECTION IN AN AMOUNT DETERMINED TO BE REASONABLE AND**
9 **NECESSARY TO COVER THE COSTS INCURRED BY THE BOARD IN ADMINISTERING**
10 **THIS SUBTITLE.**

11 **25-1204.**

12 **(A) EXCEPT AS AUTHORIZED BY OTHER LAW, THIS SUBTITLE DOES NOT**
13 **AUTHORIZE COMPETING HEALTH CARE PROVIDERS TO ACT IN CONCERT IN**
14 **RESPONSE TO A HEALTH CARE PROVIDERS' REPRESENTATIVE'S DISCUSSIONS OR**
15 **NEGOTIATIONS WITH HEALTHY MARYLAND.**

16 **(B) A HEALTH CARE PROVIDERS' REPRESENTATIVE MAY NOT NEGOTIATE**
17 **ANY AGREEMENT THAT EXCLUDES, LIMITS THE PARTICIPATION OR**
18 **REIMBURSEMENT OF, OR OTHERWISE LIMITS THE SCOPE OF SERVICES TO BE**
19 **PROVIDED BY ANY HEALTH CARE PROVIDER OR GROUP OF HEALTH CARE**
20 **PROVIDERS WITH RESPECT TO THE PERFORMANCE OF SERVICES THAT ARE WITHIN**
21 **THE HEALTH CARE PROVIDER'S SCOPE OF PRACTICE, LICENSE, REGISTRATION, OR**
22 **CERTIFICATE.**

23 **Article – Insurance**

24 **31-101.**

25 **(b) "Board" means the [Board of Trustees of the Exchange] HEALTHY**
26 **MARYLAND BOARD, ESTABLISHED UNDER TITLE 25, SUBTITLE 3 OF THE HEALTH –**
27 **GENERAL ARTICLE.**

28 **[31-104.**

29 **(a) There is a Board of Trustees of the Exchange.**

30 **(b) The Board consists of the following members:**

31 **(1) the Secretary of Health;**

1 (2) the Commissioner;

2 (3) the Executive Director of the Maryland Health Care Commission; and

3 (4) the following members appointed by the Governor, with the advice and
4 consent of the Senate:

5 (i) three members who:

6 1. represent the interests of employers and individual
7 consumers of products offered by the Exchange; and

8 2. may have public health research expertise; and

9 (ii) three members who have demonstrated knowledge and expertise
10 in at least two of the following areas:

11 1. individual health care coverage;

12 2. small employer–sponsored health care coverage;

13 3. health benefit plan administration;

14 4. health care finance;

15 5. administration of public or private health care delivery
16 systems;

17 6. purchasing and facilitating enrollment in health plan
18 coverage, including demonstrated knowledge and expertise about the role of licensed health
19 insurance producers and third–party administrators in connecting employers and
20 individual consumers to health plan coverage; and

21 7. public health and public health research, including
22 knowledge about the health needs and health disparities among the State’s diverse
23 communities.

24 (c) In making appointments of members under subsection (b)(4) of this section,
25 the Governor shall assure that:

26 (1) the Board’s composition reflects a diversity of expertise;

27 (2) the Board’s composition reflects the gender, racial, and ethnic diversity
28 of the State; and

29 (3) the geographic areas of the State are represented.

- 1 (d) (1) For purposes of this subsection, “affiliation” means:
- 2 (i) a financial interest, as defined in § 5–101 of the General
3 Provisions Article;
- 4 (ii) a position of governance, including membership on a board of
5 directors, regardless of compensation;
- 6 (iii) a relationship through which compensation, as defined in §
7 5–101 of the General Provisions Article, is received; or
- 8 (iv) a relationship for the provision of services as a regulated lobbyist,
9 as defined in § 5–101 of the General Provisions Article.
- 10 (2) A member of the Board or of the staff of the Exchange, while serving on
11 the Board or the staff, may not have an affiliation with:
- 12 (i) a carrier, an insurance producer, a third–party administrator, a
13 managed care organization, or any other person contracting directly with the Exchange;
- 14 (ii) a trade association of carriers, insurance producers, third–party
15 administrators, or managed care organizations; or
- 16 (iii) any other association of entities in a position to contract directly
17 with the Exchange.
- 18 (e) (1) The term of a member appointed by the Governor is 4 years.
- 19 (2) The terms of members appointed by the Governor are staggered as
20 required by the terms provided for members of the Board on June 1, 2011.
- 21 (3) At the end of a term, a member continues to serve until a successor is
22 appointed and qualifies.
- 23 (4) A member who is appointed after a term has begun serves only for the
24 rest of the term and until a successor is appointed and qualifies.
- 25 (f) An appointed member of the Board may not serve more than two consecutive
26 full terms.
- 27 (g) The Governor shall designate a chair of the Board.
- 28 (h) (1) The Board shall determine the times, places, and frequency of its
29 meetings.
- 30 (2) Five members of the Board constitute a quorum.

1 (3) Action by the Board requires the affirmative vote of at least five
2 members.

3 (i) A member of the Board is entitled to reimbursement for expenses under the
4 Standard State Travel Regulations, as provided in the State budget.

5 (j) A member shall:

6 (1) meet the requirements of this title, the Affordable Care Act, and all
7 applicable State and federal laws and regulations;

8 (2) serve the public interest of the individuals and qualified employers
9 seeking health care coverage through the Exchange; and

10 (3) ensure the sound operation and fiscal solvency of the Exchange.

11 (k) A member of the Board shall perform the member's duties:

12 (1) in good faith;

13 (2) in the manner the member reasonably believes to be in the best
14 interests of the Exchange; and

15 (3) without intentional or reckless disregard of the care an ordinarily
16 prudent person in a like position would use under similar circumstances.

17 (l) A member of the Board who performs the member's duties in accordance with
18 the standard provided in subsection (k) of this section may not be liable personally for
19 actions taken as a member.

20 (m) A member of the Board may be removed for incompetence, misconduct, or
21 failure to perform the duties of the position.

22 (n) (1) (i) A member of the Board shall be subject to the Maryland Public
23 Ethics Law, Title 5, Subtitles 1 through 7 of the General Provisions Article.

24 (ii) In addition to the disclosure required under Title 5, Subtitle 6 of
25 the General Provisions Article, a member of the Board shall disclose to the Board and to
26 the public any relationship not addressed in the required financial disclosure that the
27 member has with a carrier, insurance producer, third-party administrator, managed care
28 organization, or other entity in an industry involved in matters likely to come before the
29 Board.

30 (2) On all matters that come before the Board, the member shall:

31 (i) adhere strictly to the conflict of interest provisions under Title 5,

1 Subtitle 5 of the General Provisions Article relating to restrictions on participation,
2 employment, and financial interests; and

3 (ii) provide full disclosure to the Board and the public on:

4 1. any matter that gives rise to a potential conflict of interest;
5 and

6 2. the manner in which the member will comply with the
7 provisions of Title 5, Subtitle 5 of the General Provisions Article to avoid any conflict of
8 interest or appearance of a conflict of interest.]

9 **31-104.**

10 **THE HEALTHY MARYLAND BOARD SHALL OVERSEE THE ADMINISTRATION OF**
11 **THE EXCHANGE UNTIL THE EXCHANGE CEASES TO OPERATE IN THE STATE.**

12 31-105.

13 [(a) (1) With the approval of the Governor, the Board shall appoint an
14 Executive Director of the Exchange.

15 (2) The Executive Director shall serve at the pleasure of the Board.

16 (3) The Board shall determine the appropriate compensation for the
17 Executive Director.]

18 **(A) THE EXECUTIVE DIRECTOR OF HEALTHY MARYLAND, APPOINTED BY**
19 **THE BOARD UNDER § 25-302 OF THE HEALTH – GENERAL ARTICLE, SHALL SERVE**
20 **AS THE EXECUTIVE DIRECTOR OF THE EXCHANGE UNTIL THE EXCHANGE CEASES**
21 **TO OPERATE IN THE STATE.**

22 **Article – State Finance and Procurement**

23 6-226.

24 (a) (2) (i) Notwithstanding any other provision of law, and unless
25 inconsistent with a federal law, grant agreement, or other federal requirement or with the
26 terms of a gift or settlement agreement, net interest on all State money allocated by the
27 State Treasurer under this section to special funds or accounts, and otherwise entitled to
28 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
29 Fund of the State.

30 (ii) The provisions of subparagraph (i) of this paragraph do not apply
31 to the following funds:

1 112. the Pretrial Services Program Grant Fund; [and]

2 113. the Veteran Employment and Transition Success Fund;

3 AND

4 114. THE HEALTHY MARYLAND TRUST FUND.

5 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
6 appointed members of:

7 (1) the Healthy Maryland Board shall expire as follows:

8 (i) two members in 2020;

9 (ii) two members in 2021;

10 (iii) two members in 2022; and

11 (iv) two members in 2023; and

12 (2) the Healthy Maryland Public Advisory Committee of Healthy Maryland
13 shall expire as follows:

14 (i) five members in 2020;

15 (ii) five members in 2021;

16 (iii) six members in 2022; and

17 (iv) six members in 2023.

18 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or
19 the application thereof to any person or circumstance is held invalid for any reason in a
20 court of competent jurisdiction, the invalidity does not affect other provisions or any other
21 application of this Act that can be given effect without the invalid provision or application,
22 and for this purpose the provisions of this Act are declared severable.

23 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2019.