

SB0404/433920/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 404
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after “costs;” insert “making a violation of this Act an unfair, abusive, or deceptive trade practice that is subject to enforcement and penalties under the Maryland Consumer Protection Act;”; in line 12, strike “the State Department of Assessments and Taxation and”; and after line 15, insert:

“BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13–301(14)(xxxv)

Annotated Code of Maryland

(2013 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 13–301(14)(xxxvi)

Annotated Code of Maryland

(2013 Replacement Volume and 2022 Supplement)

BY adding to

Article – Commercial Law

Section 13–301(14)(xxxvii)

Annotated Code of Maryland

(2013 Replacement Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On page 1, after line 27, insert:

“Article – Commercial Law

13–301.

Unfair, abusive, or deceptive trade practices include any:

(14) Violation of a provision of:

(xxxv) Section 11–210 of the Education Article; [or]

(xxxvi) Title 14, Subtitle 44 of this article; or

(xxxvii) SECTION 19–214.4 OF THE HEALTH – GENERAL ARTICLE BY A HOSPITAL; OR”.

On page 2, in line 5, after “**EDUCATION,**” insert “**THE HEALTH EDUCATION AND ADVOCACY UNIT,**”.

On page 3, in line 3, after “**TEST**” insert “**FOR THE IDENTIFIED DATE OF SERVICE**”; in line 17, strike “**10%**” and substitute “**5%**”; in line 28, strike the second “**EACH**” and substitute “**:**”

(I) EACH”;

in line 31, after “**SECTION**” insert “**; AND**

(II) THE HEALTH EDUCATION AND ADVOCACY UNIT RELEVANT INFORMATION NECESSARY FOR THE HEALTH EDUCATION AND ADVOCACY UNIT TO ASSIST PATIENTS IN OBTAINING REIMBURSEMENT UNDER SUBSECTION (A) OF THIS SECTION, ON RECEIPT OF THE PATIENT’S EXECUTED AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION FORM PROVIDED BY

THE HEALTH EDUCATION AND ADVOCACY UNIT OR OTHER AUTHORIZATION FORM REQUIRED BY THE DEPARTMENT OF HUMAN SERVICES, THE OFFICE OF THE COMPTROLLER, OR THE STATE DEPARTMENT OF EDUCATION.

(2) IF THE HEALTH EDUCATION AND ADVOCACY UNIT REQUESTS INFORMATION FROM THE COMMISSION, THE DEPARTMENT, THE DEPARTMENT OF HUMAN SERVICES, THE OFFICE OF THE COMPTROLLER, THE STATE DEPARTMENT OF EDUCATION, OR A HOSPITAL TO ASSIST A PATIENT IN OBTAINING REIMBURSEMENT UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION, THE DEPARTMENT, THE DEPARTMENT OF HUMAN SERVICES, THE OFFICE OF THE COMPTROLLER, THE STATE DEPARTMENT OF EDUCATION, OR THE HOSPITAL SHALL PROVIDE THE INFORMATION TO THE HEALTH EDUCATION AND ADVOCACY UNIT WITHIN 10 BUSINESS DAYS AFTER THE DATE OF THE RECEIPT OF THE REQUEST”;

and in line 32, strike “(2)” and substitute “(3)”.

On page 4, in line 19, strike “§ 12-203(C)” and substitute “§ 13-203(C)”.

On page 5, after line 26, insert:

“(I) (1) (I) IF A HOSPITAL FAILS TO PROVIDE REFUNDS TO PATIENTS WHO QUALIFY UNDER SUBSECTION (G)(2) OF THIS SECTION AS REQUIRED, THE COMMISSION MAY IMPOSE A FINE NOT EXCEEDING \$50,000 PER VIOLATION.

(II) IN DETERMINING THE AMOUNT OF A FINE TO BE IMPOSED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSION SHALL CONSIDER THE APPROPRIATENESS OF THE FINE IN RELATION TO THE SEVERITY OF THE VIOLATION.

(Over)

(2) A VIOLATION OF THIS SECTION BY A HOSPITAL IS:

(i) AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE, AS DEFINED UNDER TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(ii) SUBJECT TO ENFORCEMENT AND PENALTY PROVISIONS OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE.”