

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 624

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Dorman” and substitute “, Dorman, and Madden”; strike line 2 in its entirety and substitute “Health Care Provider and Payor Act of 1996”; in line 5, strike “or” and substitute a comma; in the same line, after “subscribers” insert “, and certain other persons”; in line 8, strike “made” and substitute “or negligent act”; and in lines 10 and 12, in each instance, strike “economic” and substitute “practice”.

AMENDMENT NO. 2

On page 2, strike beginning with the second “OR” in line 16 down through “EMPLOYEES” in line 19 and substitute “A COVERAGE DECISION OR NEGLIGENT ACT OF THE NONPROFIT HEALTH SERVICE PLAN”; strike beginning with the second “OR” in line 23 down through “EMPLOYEES” in line 26 and substitute “A COVERAGE DECISION OR NEGLIGENT ACT OF THE INSURER”; and strike beginning with the second “OR” in line 30 down through “EMPLOYEES” in line 33 and substitute “A COVERAGE DECISION OR NEGLIGENT ACT OF THE INSURER”.

On page 3, strike in their entirety lines 12 through 14, inclusive; in line 15, strike the brackets; in the same line, strike “(D)”; and in line 30, strike “PRACTITIONER” and substitute “PROVIDER”.

On page 5, strike beginning with “OR” in line 15 down through “EMPLOYEES” in line 18 and substitute “A COVERAGE DECISION OR NEGLIGENT ACT OF THE HEALTH MAINTENANCE ORGANIZATION”.

AMENDMENT NO. 3

On pages 3 and 4 strike in their entirety the lines beginning with line 33 on page 3 through line 26 on page 4, inclusive, and substitute:

“(B) A CARRIER, AS A CONDITION OF A CONTRACT WITH A HEALTH CARE PROVIDER, OR IN ANY OTHER MANNER, MAY NOT PROHIBIT A HEALTH CARE PROVIDER FROM DISCUSSING OR COMMUNICATING INFORMATION TO AN ENROLLEE, PUBLIC OFFICIAL, SUBSCRIBER, OR OTHER PERSON INFORMATION THAT IS NECESSARY OR APPROPRIATE FOR THE DELIVERY OF HEALTH CARE SERVICES, INCLUDING:

(1) COMMUNICATIONS RELATING TO TREATMENT ALTERNATIVES;

(2) COMMUNICATIONS NECESSARY OR APPROPRIATE TO MAINTAIN THE PROVIDER-PATIENT RELATIONSHIP WHILE THE PATIENT IS UNDER THE PROVIDER’S CARE;

(3) COMMUNICATIONS REGARDING AN ENROLLEE’S OR SUBSCRIBER’S RIGHT TO APPEAL COVERAGE DETERMINATIONS OF A CARRIER WITH WHICH THE PROVIDER OR THE ENROLLEE OR SUBSCRIBER DOES NOT AGREE; AND

(4) OPINIONS AND THE BASIS OF AN OPINION REGARDING PUBLIC POLICY ISSUES.

(C) THIS SECTION DOES NOT PROHIBIT A CARRIER, AS A CONDITION OF A CONTRACT BETWEEN THE HEALTH CARE PROVIDER AND THE CARRIER, FROM PROHIBITING A HEALTH CARE PROVIDER FROM TORTIOUS INTERFERENCE WITH A CONTRACT AS RECOGNIZED UNDER MARYLAND LAW. “.

AMENDMENT NO. 4

On page 4, in line 32, strike “ECONOMIC” and substitute “PRACTICE”; in line 33, strike the first “OR” and substitute “ECONOMIC”; in the same line, after “ANALYSIS” insert “, OR OTHER ANALYSIS”; in line 34, strike “THAT IS”; in line 35, strike “IN” and substitute “FOR”; in line 38, strike “AN ECONOMIC” and substitute “A PRACTICE”; in line 39, strike “PEER REVIEW, QUALITY ASSURANCE,”; and in line 40, strike “, OR OTHER PROVIDER REVIEW PROGRAM TO EVALUATE THE PROVIDER” and substitute “TO EVALUATE A PROVIDER’S STATUS ON A PROVIDER PANEL”.

On page 5, strike beginning with “AND” in line 1 down through “AND” in line 3 and substitute “AT THE COMMENCEMENT AND RENEWAL OF THE CONTRACT AND, NOT

MORE OFTEN THAN ANNUALLY, UPON THE REQUEST OF THE PROVIDER:

(I)”;

in lines 4 and 5, in each instance, strike “ECONOMIC” and substitute “PRACTICE”; in line 7, after “(3)”, insert “THE INFORMATION PROVIDED UNDER THIS SUBSECTION MAY NOT BE USED TO CREATE A NEW CAUSE OF ACTION.”

(4)”;

in line 9, strike “SOLELY”; in the same line, strike “AN ECONOMIC” and substitute “A PRACTICE”; in line 10, strike “ECONOMIC” and substitute “PRACTICE”; in the same line, after “WITHOUT” insert “FIRST”; and in line 11, strike “PRIOR TO THE TERMINATION” and substitute “AND THE PROVIDER SPECIFIC DATA UNDERLYING THOSE FINDINGS”.

AMENDMENT NO. 5

On page 6, strike in their entirety lines 2 through 12, inclusive, and substitute:

“(1) Three representatives of the medical and chirsurgical faculty of Maryland, of whom one shall be a nonphysician licensed health care provider, appointed by the Governor;

(2) Three representatives of Maryland health maintenance organizations, appointed by the Governor;

(3) Three representatives of the House Economic Matters Committee, appointed by the Speaker of the Maryland House of Delegates;

(4) Three representatives of the Senate Finance Committee, appointed by the President of the Senate of Maryland;

(c) From among the members of the Task Force, the Governor shall designate a chairman of the Task Force;”;

and strike beginning with the comma in line 17 down through “determinations” in line 18.