
By: Senators Trotter, Young, and Pinsky

Introduced and read first time: February 7, 1996

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 Health Insurance - Obstetricians and Gynecologists - Primary Care Physicians

3 FOR the purpose of requiring certain health insurers, including health maintenance
4 organizations, to permit all gynecological care to be provided by anin-network
5 obstetrician/gynecologist without first requiring a visit to a primary care provider
6 under certain circumstances.

7 BY repealing and reenacting, with amendments,
8 Article 48A - Insurance Code
9 Section 490Z(a)
10 Annotated Code of Maryland
11 (1994 Replacement Volume and 1995 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article - Health - General
14 Section 19-706(k)(1)
15 Annotated Code of Maryland
16 (1990 Replacement Volume and 1995 Supplement)

17 Preamble

18 WHEREAS, As part of Mercy Medical Center's efforts to launch Baltimore City's
19 most comprehensive women's program, it commissioned the Gallup Organization to
20 survey 500 women who live and work in downtown Baltimore City; and

21 WHEREAS, The findings of the survey were startling, showing that between 38 and
22 44 percent of all women age 18 through 40 visit only an obstetrician/gynecologist
23 (OB/GYN) for their routine care; and

24 WHEREAS, For women age 41 years and older, 27 percent see only an OB/GYN
25 for their routine care; and

26 WHEREAS, For minority women and those women of limited financial means, the
27 percentages in all age groups who see only an OB/GYN for their routine care are
28 significantly higher than others; and

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1 WHEREAS, The federal Health Security Act has recognized that OB/GYNs are
2 sometimes the only physician a significant number of women see for their primary care
3 needs; and

4 WHEREAS, The legislation enacted by the Maryland General Assembly to address
5 this issue during its 1994 session was laudable, but has been interpreted by insurers as
6 prohibiting the OB/GYN who chooses not to be a primary care physician from seeing
7 patients without the patient first visiting a primary care provider, and does not account
8 for the women who must see their OB/GYN more than once in a 12-month period; and

9 WHEREAS, Permitting a woman to receive all gynecological care from certain
10 OB/GYNs without first requiring the woman to visit a primary care physician would fully
11 address the issues; now, therefore,

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

14 **Article 48A - Insurance Code**

15 490Z.

16 (a) Any insurer or nonprofit health service plan that provides hospital, medical, or
17 surgical benefits for issuance or delivery in the State to any group or individual on an
18 expense-incurred basis, including a health maintenance organization, shall:

19 (1) Classify an obstetrician/gynecologist as a primary care physician; or

20 (2) [Permit] IF THE OBSTETRICIAN/GYNECOLOGIST CHOOSES NOT TO
21 BE A PRIMARY CARE PHYSICIAN, PERMIT a woman to receive [an annual visit to an
22 in-network obstetrician/gynecologist for routine] gynecological care FROM AN
23 IN-NETWORK OBSTETRICIAN/GYNECOLOGIST without requiring the woman to first
24 visit a primary care provider.

25 **Article - Health - General**

26 19-706.

27 (k) (1) A health maintenance organization shall:

28 (i) Classify an obstetrician/gynecologist as a primary care physician; or

29 (ii) [Permit] IF THE OBSTETRICIAN/GYNECOLOGIST CHOOSES NOT
30 TO BE A PRIMARY CARE PHYSICIAN, PERMIT a woman to receive [an annual visit to an
31 in-network obstetrician/gynecologist for routine] gynecological care FROM AN
32 IN-NETWORK OBSTETRICIAN/GYNECOLOGIST without requiring the woman to first
33 visit a primary care provider.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 1996.