

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 335  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Practitioners" and substitute "Providers"; in lines 4 , 8, and 9, in each instance, strike "practitioners" and substitute "providers"; in line 8, after "circumstances;" insert "defining certain terms;"; and strike in their entirety lines 10 through 15, inclusive, and substitute:

"BY adding to

Article - Insurance

Section 15-1008

Annotated Code of Maryland

(1995 Volume and 1996 Supplement)

(As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of 1997)

BY adding to

Article - Health - General

Section 19-706(n)

Annotated Code of Maryland

(1996 Volume and 1996 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 26 on page 2, inclusive, and substitute:

"15-1008.

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

(Over)

(2) "CARRIER" MEANS:

(I) AN INSURER;

(II) A NONPROFIT HEALTH SERVICE PLAN;

(III) A HEALTH MAINTENANCE ORGANIZATION;

(IV) A DENTAL PLAN ORGANIZATION; OR

(V) ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO REGULATION BY THE STATE.

(3) "HEALTH CARE PROVIDER" MEANS A PERSON OR ENTITY LICENSED, CERTIFIED OR OTHERWISE AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE OR THE HEALTH - GENERAL ARTICLE TO PROVIDE HEALTH CARE SERVICES.

(B)(1) IF A CARRIER RETROACTIVELY DENIES REIMBURSEMENT TO A HEALTH CARE PROVIDER, THE CARRIER:

(I) MAY ONLY RETROACTIVELY DENY REIMBURSEMENT DURING THE 4-MONTH PERIOD AFTER THE DATE THAT THE CARRIER PAID THE CLAIM SUBMITTED BY THE HEALTH CARE PROVIDER; AND

(II) SHALL PROVIDE THE HEALTH CARE PROVIDER WITH A WRITTEN STATEMENT SPECIFYING THE BASIS FOR THE RETROACTIVE DENIAL.

(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A CARRIER THAT DOES NOT COMPLY WITH THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION MAY NOT RETROACTIVELY DENY REIMBURSEMENT OR ATTEMPT IN ANY MANNER TO RETROACTIVELY COLLECT REIMBURSEMENT ALREADY PAID TO A HEALTH CARE PROVIDER BY REDUCING REIMBURSEMENTS CURRENTLY OWED TO THE HEALTH CARE PROVIDER, WITHHOLDING FUTURE REIMBURSEMENT, OR IN ANY OTHER MANNER AFFECTING THE FUTURE REIMBURSEMENT TO THE HEALTH CARE PROVIDER.

(3) THE PROVISIONS OF PARAGRAPHS (1)(I) AND (2) OF THIS SUBSECTION DO NOT APPLY IF A CARRIER RETROACTIVELY DENIES REIMBURSEMENT TO A HEALTH CARE PROVIDER BECAUSE:

(I) THE INFORMATION SUBMITTED TO THE CARRIER WAS FRAUDULENT OR IMPROPERLY CODED; OR

(II) THE SERVICES RENDERED TO THE PATIENT EXCEED ANNUAL OR LIFETIME MAXIMUMS SET FORTH IN THE CONTRACT OF THE INSURED, MEMBER, OR SUBSCRIBER.”.

AMENDMENT NO. 3

On page 2, before line 27, insert:

“Article - Health - General

19-706.

(N) THE PROVISIONS OF § 15-1008 OF THE INSURANCE ARTICLE SHALL APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.”.