

BY: Delegate Busch

AMENDMENTS TO HOUSE BILL NO. 3, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 4 of the bill, in line 27, strike “THE PROVISIONS OF TITLE 15, SUBTITLE 10A” and substitute “§ 15-10A-02(B) OR (E) OR § 15-10A-04(C)”.

On page 24 of the Economic Matters Committee and Environmental Matters Committee Amendments (HB0003/623971/1), in Amendment No. 17, in line 12, strike “THE PROVISIONS OF TITLE 15, SUBTITLE 10A” and substitute “§ 15-10A-02(B) OR (E) OR § 15-10A-04(C)”.

On page 6 of the bill, after line 6, insert:

“(E) “GRIEVANCE” MEANS A PROTEST FILED BY A MEMBER OR A HEALTH CARE PROVIDER ON BEHALF OF A MEMBER WITH A CARRIER THROUGH THE CARRIER’S INTERNAL GRIEVANCE PROCESS REGARDING AN ADVERSE DECISION CONCERNING THE MEMBER.”;

and in lines 7, 10, 14, 17, 23, and 27, strike “(E)”, “(F)”, “(G)”, “(H)”, “(I)”, and “(J)”, respectively, and substitute “(F)”, “(G)”, “(H)”, “(I)”, “(J)”, and “(K)”, respectively.

On page 7 of the bill, in line 26, strike “AFTER” and substitute “BEFORE”.

On page 13 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 12, in line 3, strike “AND”; in line 7, after “BODY” insert “THAT THE COMMISSIONER, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSIONER, CONSIDERS RELEVANT IN MEETING THE REQUIREMENTS OF THIS SUBSECTION; AND

(4) IN REVIEWING A COMPLAINT FOR THE COMMISSIONER UNDER THIS

(Over)

SECTION, USE THE STANDARD OF CARE THAT IS APPROPRIATE FOR THE GEOGRAPHIC AREA IN WHICH THE COMPLAINT ARISES”;

and in line 10, after “PLANS” insert “OR A TRADE ASSOCIATION OF HEALTH CARE PROVIDERS”.

On page 16 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 15, in line 14, after “PANEL” insert “WHO IS A DENTIST LICENSED IN THIS STATE AND WHO IS BOARD CERTIFIED OR ELIGIBLE IN THE SAME SPECIALTY AS THE DENTIST PROVIDING THE SERVICE UNDER REVIEW”.

AMENDMENT NO. 2

On page 1 of the Economic Matters Committee and Environmental Matters Committee Amendments (HB0003/623971/1), in Amendment No. 2, in line 4, strike “complaint fee” and substitute “regulatory assessment”.

On page 5 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 5, in line 16, strike “COMPLAINT FEE” and substitute “REGULATORY ASSESSMENT”; and in the same amendment, strike in their entirety lines 19 through 22, inclusive, and substitute:

“(C) THE HEALTH CARE REGULATORY ASSESSMENT THAT IS PAYABLE BY EACH CARRIER SHALL BE CALCULATED BY TAKING THE TOTAL COSTS UNDER SUBSECTION (B) OF THIS SECTION MULTIPLIED BY THE PERCENTAGE OF GROSS DIRECT PREMIUMS WRITTEN IN THE STATE ATTRIBUTABLE TO THAT CARRIER IN THE PRIOR CALENDAR YEAR.”.

On pages 24 and 25 of the Economic Matters Committee and Environmental Matters Committee Amendments, strike Amendment No. 18 in its entirety.

On page 28 of the bill, in line 11, strike “carriers” and substitute “each carrier”; after line 14, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That, on or before January 1, 2001, the

Insurance Commissioner shall submit a report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly assessing the correlation between the health care regulatory assessment collected by the Insurance Commissioner from each carrier under § 2-112.2 of the Insurance Article, as enacted by this Act, and the number of complaints filed with the Commissioner and the costs incurred by the Insurance Commissioner in reviewing those complaints in accordance with Title 15, Subtitle 10A of the Insurance Article, as enacted by this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the approval of the Executive Director of the Department of Legislative Services, the publishers of the Annotated Code of Maryland shall correct any cross-references that are rendered incorrect by this Act.”;

in lines 15, 17, and 21, strike “6.”, “7.”, and “8.”, respectively, and substitute “8.”, “9.”, and “10.”, respectively; in line 18, strike “2001” and substitute “2000”; and in line 22, strike “6” and substitute “8”.

AMENDMENT NO. 3

On page 2 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 2, in line 9, strike “4-113(d) and (e).”; and in line 10, strike “27-304, and 27-305(a).” and substitute “and 27-304”.

On page 6 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 6, strike in their entirety lines 2 through 11, inclusive.

On page 24 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 17, strike in their entirety lines 15 through 17, inclusive.

AMENDMENT NO. 4

On page 6 of the bill, in line 14, after “MEANS” insert “:

(1)”;

and in line 16, before the period insert “: OR

(2) A HOSPITAL, AS DEFINED IN § 19-301 OF THE HEALTH - GENERAL ARTICLE”.

On page 7 of the bill, after line 13, insert:

“(3) FOR PURPOSES OF USING THE EXPEDITED PROCEDURE FOR AN EMERGENCY CASE THAT A CARRIER IS REQUIRED TO INCLUDE UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, THE COMMISSIONER SHALL DEFINE BY REGULATION THE STANDARDS REQUIRED FOR A GRIEVANCE TO BE CONSIDERED AN EMERGENCY CASE.”.

On page 10 of the bill, in line 16, after “(B)” insert “(1)”; in lines 18 and 20, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; after line 22, insert:

“(2) FOR PURPOSES OF USING THE EXPEDITED PROCEDURE FOR AN EMERGENCY CASE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION, THE COMMISSIONER SHALL DEFINE BY REGULATION THE STANDARDS REQUIRED FOR A GRIEVANCE TO BE CONSIDERED AN EMERGENCY CASE.”;

and in line 23, strike “SUBSECTION (B)(2)” and substitute “SUBSECTION (B)(1)(II)”.

On page 9 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 9, in the next to last line, strike “SUBSECTION (B)(2)” and substitute “SUBSECTION (B)(1)(II)”.

AMENDMENT NO. 5

On page 10 of the bill, in line 23, after “(C)” insert “(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND”; and after line 25, insert:

“(2) ONLY IF THE COMMISSIONER LACKS SUFFICIENT INFORMATION TO RENDER A FINAL DECISION ON A COMPLAINT WITHIN THE 30-DAY PERIOD REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY THE COMMISSIONER EXTEND THE PERIOD IN WHICH A FINAL DECISION SHALL BE MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO 30 ADDITIONAL WORKING DAYS.”.

AMENDMENT NO. 6

On page 21 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 16, strike in their entirety lines 5 through 17, inclusive, and substitute:

“(F) “MEDICAL DIRECTOR” MEANS A PHYSICIAN EMPLOYED BY OR UNDER CONTRACT WITH A HEALTH MAINTENANCE ORGANIZATION WHO IS RESPONSIBLE FOR:

(1) THE ESTABLISHMENT OR MAINTENANCE OF THE POLICIES AND PROCEDURES AT THE HEALTH MAINTENANCE ORGANIZATION FOR:

(I) QUALITY ASSURANCE; AND

(II) UTILIZATION MANAGEMENT;

(2) COMPLIANCE WITH THE QUALITY ASSURANCE AND UTILIZATION MANAGEMENT POLICIES AND PROCEDURES OF THE HEALTH MAINTENANCE ORGANIZATION; AND

(3) OVERSIGHT OF UTILIZATION REVIEW DECISIONS OF PRIVATE REVIEW AGENTS EMPLOYED BY OR UNDER CONTRACT WITH THE HEALTH MAINTENANCE ORGANIZATION.”.

On page 21 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 16, in line 21, strike “AND”; and in line 22, after “CERTIFICATE” insert “; AND

(3) THE ISSUANCE OF A TEMPORARY CERTIFICATE”.

On page 22 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 16, strike in their entirety lines 16 and 17, inclusive, and substitute:

(Over)

“(III) COMPATIBLE WITH ESTABLISHED PRINCIPLES OF HEALTH CARE; AND”;

and in line 21, before “SUBJECT” insert “(A)”.

On page 23 of the Economic Matters Committee and Environmental Matters Committee Amendments, in Amendment No. 16, strike beginning with the comma in line 1 down through the comma in line 4; strike in their entirety lines 12 and 13, and substitute:

“(3) COMPATIBLE WITH ESTABLISHED PRINCIPLES OF HEALTH CARE; AND”;

and after line 15, insert:

“(B) THE COMMISSIONER MAY CONSULT WITH AN INDEPENDENT REVIEW ORGANIZATION OR MEDICAL EXPERT THAT MEETS THE REQUIREMENTS OF § 15-10A-05 OF THIS TITLE, THE DEPARTMENT, THE BOARD, OR ANY OTHER APPROPRIATE ENTITY FOR PURPOSES OF TAKING AN ACTION DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION.”.