

HOUSE BILL 421

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1998 Regular Session
8r1787
CF 8r1212

By: **Delegates Goldwater and Kopp**

Introduced and read first time: February 2, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Kidney Disease Program - Outpatient Facilities - Patient Referrals**

3 FOR the purpose of authorizing certain health care practitioners to refer Kidney
4 Disease Program recipients to certain outpatient dialysis facilities,
5 notwithstanding the practitioners' interest in or arrangements with the
6 facilities; and generally relating to an exemption from the prohibition on certain
7 patient referrals by health care practitioners.

8 BY repealing and reenacting, with amendments,
9 Article - Health Occupations
10 Section 1-302(d)
11 Annotated Code of Maryland
12 (1994 Replacement Volume and 1997 Supplement)

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

15 **Article - Health Occupations**

16 1-302.

17 (d) The provisions of this section do not apply to:

18 (1) A health care practitioner when treating a member of a health
19 maintenance organization as defined in § 19-701 of the Health - General Article if
20 the health care practitioner does not have a beneficial interest in the health care
21 entity;

22 (2) A health care practitioner who refers a patient to another health care
23 practitioner in the same group practice as the referring health care practitioner;

24 (3) A health care practitioner with a beneficial interest in a health care
25 entity who refers a patient to that health care entity for health care services or tests,
26 if the services or tests are personally performed by or under the direct supervision of
27 the referring health care practitioner;

1 (4) A health care practitioner who refers in-office ancillary services or
2 tests that are:

3 (i) Personally furnished by:

4 1. The referring health care practitioner;

5 2. A health care practitioner in the same group practice as
6 the referring health care practitioner; or

7 3. An individual who is employed and personally supervised
8 by the qualified referring health care practitioner or a health care practitioner in the
9 same group practice as the referring health care practitioner;

10 (ii) Provided in the same building where the referring health care
11 practitioner or a health care practitioner in the same group practice as the referring
12 health care practitioner furnishes services; and

13 (iii) Billed by:

14 1. The health care practitioner performing or supervising the
15 services; or

16 2. A group practice of which the health care practitioner
17 performing or supervising the services is a member;

18 (5) A health care practitioner who has a beneficial interest in a health
19 care entity if, in accordance with regulations adopted by the Secretary:

20 (i) The Secretary determines that the health care practitioner's
21 beneficial interest is essential to finance and to provide the health care entity; and

22 (ii) The Secretary, in conjunction with the Health Resources
23 Planning Commission, determines that the health care entity is needed to ensure
24 appropriate access for the community to the services provided at the health care
25 entity;

26 (6) A health care practitioner employed or affiliated with a hospital, who
27 refers a patient to a health care entity that is owned or controlled by a hospital or
28 under common ownership or control with a hospital if the health care practitioner
29 does not have a direct beneficial interest in the health care entity;

30 (7) A health care practitioner or member of a single specialty group
31 practice, including any person employed or affiliated with a hospital, who has a
32 beneficial interest in a health care entity that is owned or controlled by a hospital or
33 under common ownership or control with a hospital if:

34 (i) The health care practitioner or other member of that single
35 specialty group practice provides the health care services to a patient pursuant to a

1 referral or in accordance with a consultation requested by another health care
2 practitioner who does not have a beneficial interest in the health care entity; or

3 (ii) The health care practitioner or other member of that single
4 specialty group practice referring a patient to the facility, service, or entity personally
5 performs or supervises the health care service or procedure; [or]

6 (8) A health care practitioner with a beneficial interest in, or
7 compensation arrangement with, a hospital or related institution as defined in §
8 19-301 of the Health - General Article or a facility, service, or other entity that is
9 owned or controlled by a hospital or related institution or under common ownership or
10 control with a hospital or related institution if:

11 (i) The beneficial interest was held or the compensation
12 arrangement was in existence on January 1, 1993; and

13 (ii) Thereafter the beneficial interest or compensation arrangement
14 of the health care practitioner does not increase; OR

15 (9) A HEALTH CARE PRACTITIONER WHO, WHEN TREATING A KIDNEY
16 DISEASE PROGRAM RECIPIENT AS DEFINED IN § 13-301 OF THE HEALTH - GENERAL
17 ARTICLE, REFERS THE RECIPIENT TO AN OUTPATIENT DIALYSIS FACILITY,
18 REGARDLESS OF THE PRACTITIONER'S INTEREST IN OR ARRANGEMENTS WITH THE
19 FACILITY.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1998.