

HOUSE BILL 767

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C3

1999 Regular Session  
(9r1102)

*ENROLLED BILL*  
*-- Economic Matters/Finance --*

Introduced by **Delegates McHale, Nathan-Pulliam, Barve, Love, Kagan, and Rudolph**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance - Access to the 911 Emergency System**

3 FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and  
4 health maintenance organizations from establishing or promoting a certain  
5 emergency system in competition with or substitution of the 911 emergency  
6 system or certain other emergency services systems; authorizing certain  
7 insurers, nonprofit health service plans, and health maintenance organizations  
8 to use transportation other than the 911 system under certain circumstances;  
9 prohibiting certain insurers, nonprofit health service plans, and health  
10 maintenance organizations from requiring insureds and enrollees to obtain  
11 prior authorization before accessing certain emergency medical services systems  
12 under certain circumstances; prohibiting certain insurers, nonprofit health  
13 service plans, and health maintenance organizations from using false or  
14 misleading language in certain materials provided to insureds and enrollees to  
15 discourage or prohibit access to the 911 system under certain circumstances;  
16 ~~providing for reimbursement of medically necessary services under certain~~

1 ~~circumstances~~; defining a certain term; and generally relating to access to the  
2 911 emergency system by insureds and enrollees.

3 BY adding to  
4 Article - Insurance  
5 Section 15-126  
6 Annotated Code of Maryland  
7 (1997 Volume and 1998 Supplement)

8 BY adding to  
9 Article - Health - General  
10 Section 19-706(ff)  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1998 Supplement)

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

15 **Article - Insurance**

16 15-126.

17 ~~(A) IN THIS SECTION, "EMERGENCY MEDICAL CONDITION" MEANS A MEDICAL~~  
18 ~~CONDITION MANIFESTING ITSELF BY ACUTE SYMPTOMS OF SUFFICIENT SEVERITY,~~  
19 ~~INCLUDING SEVERE PAIN, THAT A PRUDENT LAYPERSON, WHO POSSESSES AN~~  
20 ~~AVERAGE KNOWLEDGE OF HEALTH AND MEDICINE, COULD REASONABLY EXPECT~~  
21 ~~THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION TO RESULT IN:~~

22 ~~(1) PLACING THE HEALTH OF THE INDIVIDUAL, OR WITH RESPECT TO A~~  
23 ~~PREGNANT WOMAN, THE HEALTH OF THE WOMAN OR UNBORN CHILD, IN SERIOUS~~  
24 ~~JEOPARDY;~~

25 ~~(2) SERIOUS IMPAIRMENT TO BODILY FUNCTIONS; OR~~

26 ~~(3) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART.~~

27 (A) IN THIS SECTION, "EMERGENCY MEDICAL CONDITION" MEANS A MEDICAL  
28 CONDITION THAT MANIFESTS ITSELF BY SYMPTOMS OF SUFFICIENT SEVERITY,  
29 INCLUDING SEVERE PAIN, THAT THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION  
30 COULD REASONABLY BE EXPECTED BY A PRUDENT LAYPERSON, WHO POSSESSES AN  
31 AVERAGE KNOWLEDGE OF HEALTH AND MEDICINE, TO RESULT IN:

32 (1) PLACING THE PATIENT'S HEALTH IN SERIOUS JEOPARDY;

33 (2) SERIOUS IMPAIRMENT TO BODILY FUNCTIONS; OR

34 (3) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART.

1 (B) THIS SECTION APPLIES TO:

2 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE  
3 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER  
4 HEALTH INSURANCE POLICIES THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

5 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL,  
6 MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS  
7 THAT ARE ISSUED OR DELIVERED IN THE STATE.

8 (C) (1) AN ENTITY SUBJECT TO THIS SECTION MAY NOT ESTABLISH OR  
9 PROMOTE AN EMERGENCY MEDICAL RESPONSE AND TRANSPORTATION SYSTEM  
10 THAT ENCOURAGES OR DIRECTS ACCESS BY AN INSURED OR ENROLLEE IN  
11 COMPETITION WITH OR IN SUBSTITUTION OF THE MARYLAND EMERGENCY MEDICAL  
12 SERVICES SYSTEM (911) OR OTHER STATE, COUNTY, OR LOCAL GOVERNMENT  
13 EMERGENCY MEDICAL SERVICES SYSTEM.

14 (2) ~~NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN~~  
15 ~~ENTITY MAY UTILIZE, FOR SERVICES THAT ARE NOT EMERGENCY SERVICES,~~  
16 ~~TRANSPORTATION OUTSIDE THE 911 OR OTHER GOVERNMENT EMERGENCY MEDICAL~~  
17 ~~SERVICES SYSTEMS.~~

18 (2) *NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN*  
19 *ENTITY SUBJECT TO THIS SECTION MAY USE TRANSPORTATION OUTSIDE THE 911*  
20 *OR OTHER GOVERNMENT EMERGENCY MEDICAL SERVICES SYSTEM FOR SERVICES*  
21 *THAT ARE NOT IN RESPONSE TO AN EMERGENCY MEDICAL CONDITION.*

22 (D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REQUIRE AN INSURED OR  
23 ENROLLEE TO OBTAIN PRIOR AUTHORIZATION BEFORE ACCESSING THE 911 SYSTEM  
24 OR OTHER STATE, COUNTY, OR LOCAL GOVERNMENT EMERGENCY MEDICAL  
25 SERVICES SYSTEM FOR AN EMERGENCY MEDICAL CONDITION.

26 (E) AN ENTITY SUBJECT TO THIS SECTION MAY NOT USE FALSE OR  
27 MISLEADING LANGUAGE IN ITS ENROLLMENT SALES MATERIALS OR IN ANY OTHER  
28 MATERIALS PROVIDED TO INSURED OR ENROLLEES TO DISCOURAGE OR PROHIBIT  
29 INSURED OR ENROLLEES FROM ACCESSING THE 911 SYSTEM FOR ~~EMERGENCY~~  
30 ~~AMBULANCE SERVICES IN THE EVENT OF AN EMERGENCY MEDICAL CONDITION.~~

31 (F) ~~AN ENTITY SUBJECT TO THIS SECTION SHALL REIMBURSE, LESS ANY~~  
32 ~~APPLICABLE CO-PAYMENTS, THE APPROPRIATE PROVIDERS FOR ANY MEDICALLY~~  
33 ~~NECESSARY SERVICES PROVIDED TO AN INSURED OR ENROLLEE WHO ACCESSES~~  
34 ~~THE 911 SYSTEM OR OTHER STATE, COUNTY, OR LOCAL GOVERNMENT EMERGENCY~~  
35 ~~SERVICES SYSTEM FOR AN EMERGENCY MEDICAL CONDITION.~~

36 **Article - Health - General**

37 19-706.

38 (FF) THE PROVISIONS OF § 15-126 OF THE INSURANCE ARTICLE APPLY TO  
39 HEALTH MAINTENANCE ORGANIZATIONS.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1999.