

HOUSE BILL 767

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C3

1999 Regular Session
9r1102
CF 9r2109

By: **Delegates McHale, Nathan-Pulliam, Barve, Love, Kagan, and Rudolph**
Introduced and read first time: February 12, 1999
Assigned to: Economic Matters

A BILL ENTITLED

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; prohibiting certain
7 insurers, nonprofit health service plans, and health maintenance organizations
8 from requiring insureds and enrollees to obtain prior authorization before
9 accessing certain emergency services systems under certain circumstances;
10 prohibiting certain insurers, nonprofit health service plans, and health
11 maintenance organizations from using false or misleading language in certain
12 materials provided to insureds and enrollees to discourage or prohibit access to
13 the 911 system under certain circumstances; providing for reimbursement of
14 medically necessary services under certain circumstances; defining a certain
15 term; and generally relating to access to the 911 emergency system by insureds
16 and enrollees.

17 BY adding to
18 Article - Insurance
19 Section 15-126
20 Annotated Code of Maryland
21 (1997 Volume and 1998 Supplement)

22 BY adding to
23 Article - Health - General
24 Section 19-706(ff)
25 Annotated Code of Maryland
26 (1996 Replacement Volume and 1998 Supplement)

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

1

Article - Insurance

2 15-126.

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

8 (1) PLACING THE HEALTH OF THE INDIVIDUAL, OR WITH RESPECT TO A
9 PREGNANT WOMAN, THE HEALTH OF THE WOMAN OR UNBORN CHILD, IN SERIOUS
10 JEOPARDY;

11 (2) SERIOUS IMPAIRMENT TO BODILY FUNCTIONS; OR

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

13 (B) THIS SECTION APPLIES TO:

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

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

20 (C) AN ENTITY SUBJECT TO THIS SECTION MAY NOT ESTABLISH OR PROMOTE
21 AN EMERGENCY MEDICAL RESPONSE AND TRANSPORTATION SYSTEM THAT
22 ENCOURAGES OR DIRECTS ACCESS BY AN INSURED OR ENROLLEE IN COMPETITION
23 WITH OR IN SUBSTITUTION OF THE MARYLAND EMERGENCY SYSTEM (911) OR OTHER
24 STATE, COUNTY, OR LOCAL GOVERNMENT EMERGENCY SERVICES SYSTEM.

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

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

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

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Article - Health - General

2 19-706.

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

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