

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 17, 1999

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~~
17 ~~circumstances;~~ defining a certain term; and generally relating to access to the
18 911 emergency system by insureds and enrollees.

19 BY adding to
20 Article - Insurance
21 Section 15-126
22 Annotated Code of Maryland
23 (1997 Volume and 1998 Supplement)

24 BY adding to
25 Article - Health - General

1 Section 19-706(ff)
 2 Annotated Code of Maryland
 3 (1996 Replacement Volume and 1998 Supplement)

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

6 **Article - Insurance**

7 15-126.

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

13 ~~(1) PLACING THE HEALTH OF THE INDIVIDUAL, OR WITH RESPECT TO A~~
 14 ~~PREGNANT WOMAN, THE HEALTH OF THE WOMAN OR UNBORN CHILD, IN SERIOUS~~
 15 ~~JEOPARDY;~~

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

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

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

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

24 (2) SERIOUS IMPAIRMENT TO BODILY FUNCTIONS; OR

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

26 (B) THIS SECTION APPLIES TO:

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

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

33 (C) (1) AN ENTITY SUBJECT TO THIS SECTION MAY NOT ESTABLISH OR
 34 PROMOTE AN EMERGENCY MEDICAL RESPONSE AND TRANSPORTATION SYSTEM
 35 THAT ENCOURAGES OR DIRECTS ACCESS BY AN INSURED OR ENROLLEE IN

1 COMPETITION WITH OR IN SUBSTITUTION OF THE MARYLAND EMERGENCY MEDICAL
2 SERVICES SYSTEM (911) OR OTHER STATE, COUNTY, OR LOCAL GOVERNMENT
3 EMERGENCY MEDICAL SERVICES SYSTEM.

4 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN
5 ENTITY MAY UTILIZE, FOR SERVICES THAT ARE NOT EMERGENCY SERVICES,
6 TRANSPORTATION OUTSIDE THE 911 OR OTHER GOVERNMENT EMERGENCY MEDICAL
7 SERVICES SYSTEMS.

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

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

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

22

Article - Health - General

23 19-706.

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

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