

SENATE BILL 358

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HB 313/97 - ECM

1999 Regular Session
9r2070
CF 9r1192

By: **Senators Exum, Teitelbaum, Conway, Lawlah, and McFadden**
Introduced and read first time: February 5, 1999
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Benefits for Routine Gynecological Care - Obstetric/Gynecologic Providers**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and
4 health maintenance organizations that provide certain hospital, medical, or
5 surgical benefits to allow a woman to receive routine gynecological care from an
6 obstetric/gynecologic provider without requiring the woman to visit a primary
7 care provider first under certain circumstances; requiring certain insurers,
8 nonprofit health service plans, and health maintenance organizations to allow a
9 woman an annual visit to an obstetric/gynecologic provider for routine
10 gynecological care without requiring the woman to visit a primary care provider
11 first under certain circumstances; providing for the application of this Act;
12 providing for the effective dates of this Act; providing for the termination of
13 certain provisions of this Act; and generally relating to benefits for routine
14 gynecological care provided by obstetric/gynecologic providers.

15 BY repealing and reenacting, with amendments,
16 Article - Insurance
17 Section 15-816
18 Annotated Code of Maryland
19 (1997 Volume and 1998 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article - Health - General
22 Section 19-706(l)
23 Annotated Code of Maryland
24 (1996 Replacement Volume and 1998 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article - Health - General
27 Section 19-706(k)
28 Annotated Code of Maryland
29 (1996 Replacement Volume and 1998 Supplement)
30 (As enacted by Chapter 24 of the Acts of the General Assembly of 1996)

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

3 **Article - Insurance**

4 15-816.

5 (a) This section applies to:

6 (1) insurers and nonprofit health service plans that provide hospital,
7 medical, or surgical benefits to individuals or groups on an expense-incurred basis
8 under health insurance policies that are issued or delivered in the State; and

9 (2) health maintenance organizations that provide hospital, medical, or
10 surgical benefits to individuals or groups under contracts that are issued or delivered
11 in the State.

12 (b) An entity subject to this section:

13 (1) shall classify an obstetrician/gynecologist as a primary care provider;
14 or

15 (2) if the obstetrician/gynecologist chooses not to be a primary care
16 provider, shall allow a woman to receive routine gynecological care from an
17 in-network obstetrician/gynecologist OR OBSTETRIC/GYNECOLOGIC PROVIDER
18 without requiring the woman to visit a primary care provider first, if:

19 (i) the care is medically necessary, including care that is routine;

20 (ii) after each visit for gynecological care, the
21 obstetrician/gynecologist OR OBSTETRIC/GYNECOLOGIC PROVIDER communicates
22 with the woman's primary care provider about any diagnosis or treatment rendered;
23 and

24 (iii) the obstetrician/gynecologist OR OBSTETRIC/GYNECOLOGIC
25 PROVIDER confers with the primary care provider before performing any diagnostic
26 procedure that is not routine gynecological care rendered during an annual visit.

27 (c) If an entity subject to this section classifies an obstetrician/gynecologist as
28 a primary care provider as provided in subsection (b) of this section, and a woman
29 does not choose an obstetrician/gynecologist as the woman's primary care provider,
30 the entity shall allow the woman an annual visit to an in-network
31 obstetrician/gynecologist OR OBSTETRIC/GYNECOLOGIC PROVIDER for routine
32 gynecological care without requiring the woman to visit the woman's primary care
33 provider first, whether or not the primary care provider is qualified to and regularly
34 does provide routine gynecological care.

35 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
36 read as follows:

1 **Article - Health - General**

2 19-706.

3 (l) (1) A health maintenance organization shall:

4 (i) Classify an obstetrician/gynecologist as a primary care
5 physician; or

6 (ii) If the obstetrician/gynecologist chooses not to be a primary care
7 physician, permit a woman to receive gynecological care from an in-network
8 obstetrician/gynecologist OR OBSTETRIC/GYNECOLOGIC PROVIDER without requiring
9 the woman to first visit a primary care provider, provided that:

10 1. The care is medically necessary, including, but not limited
11 to, care that is routine;

12 2. Following each visit for gynecological care, the
13 obstetrician/gynecologist OR OBSTETRIC/GYNECOLOGIC PROVIDER communicates
14 with the woman's primary care physician concerning any diagnosis or treatment
15 rendered; and

16 3. The obstetrician/gynecologist OR
17 OBSTETRIC/GYNECOLOGIC PROVIDER confers with the primary care physician before
18 performing any diagnostic procedure that is not routine gynecological care rendered
19 during an annual visit.

20 (2) If a health maintenance organization classifies an
21 obstetrician/gynecologist as a primary care physician as provided under paragraph (1)
22 of this subsection, and a woman does not choose an obstetrician/gynecologist as her
23 primary care provider, the health maintenance organization shall permit the woman
24 to receive an annual visit to an in-network obstetrician/gynecologist OR
25 OBSTETRIC/GYNECOLOGIC PROVIDER for routine gynecological care without
26 requiring the woman to first visit her primary care provider, whether or not the
27 primary care provider is qualified to and regularly provides routine gynecological
28 care.

29 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
30 read as follows:

31 **Article - Health - General**

32 9-706.

33 (k) (1) A health maintenance organization shall:

34 (i) Classify an obstetrician/gynecologist as a primary care
35 physician; or

1 (ii) If the obstetrician/gynecologist chooses not to be a primary care
2 physician, permit a woman to receive gynecological care from an in-network
3 obstetrician/gynecologist OR OBSTETRIC/GYNECOLOGIC PROVIDER without requiring
4 the woman to first visit a primary care provider, provided that:

5 1. The care is medically necessary, including, but not limited
6 to, care that is routine;

7 2. Following each visit for gynecological care, the
8 obstetrician/gynecologist OR OBSTETRIC/GYNECOLOGIC PROVIDER communicates
9 with the woman's primary care physician concerning any diagnosis or treatment
10 rendered; and

11 3. The obstetrician/gynecologist OR
12 OBSTETRIC/GYNECOLOGIC PROVIDER confers with the primary care physician before
13 performing any diagnostic procedure that is not routine gynecological care rendered
14 during an annual visit.

15 (2) If a health maintenance organization classifies an
16 obstetrician/gynecologist as a primary care physician as provided under paragraph (1)
17 of this subsection, and a woman does not choose an obstetrician/gynecologist as her
18 primary care provider, the health maintenance organization shall permit the woman
19 to receive an annual visit to an in-network obstetrician/gynecologist OR
20 OBSTETRIC/GYNECOLOGIC PROVIDER for routine gynecological care without
21 requiring the woman to first visit her primary care provider, whether or not the
22 primary care provider is qualified to and regularly provides routine gynecological
23 care.

24 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall apply to all
25 policies, contracts, and health benefits plans issued, delivered, or renewed in the
26 State on or after October 1, 1999.

27 SECTION 5. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall
28 take effect on the taking effect of the termination provision specified in Section 2 of
29 Chapter 24 of the Acts of the General Assembly of 1996. If that termination provision
30 takes effect, Section 2 of this Act shall be void. This Act may not be interpreted to
31 have any effect on that termination provision.

32 SECTION 6. AND BE IT FURTHER ENACTED, That, subject to the provisions
33 of Section 5 of this Act, this Act shall take effect October 1, 1999.