

SENATE BILL 618

Unofficial Copy
C3

1999 Regular Session
(9lr2109)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senator Bromwell**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance - Access to the 911 Emergency ~~Telephone~~ 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 ~~telephone~~ system or certain other emergency medical services systems;
7 authorizing certain insurers, nonprofit health service plans, and health
8 maintenance organizations to use transportation other than the 911 system
9 under certain circumstances; prohibiting certain insurers, nonprofit health
10 service plans, and health maintenance organizations from requiring insureds
11 and enrollees to obtain prior authorization before accessing certain emergency
12 medical services systems under certain circumstances; prohibiting certain
13 insurers, nonprofit health service plans, and health maintenance organizations
14 from using false or misleading language in certain materials provided to
15 insureds and enrollees to discourage or prohibit access to the 911 system;
16 defining a certain term; and generally relating to access to the 911 emergency
17 ~~telephone~~ system by insureds and enrollees.

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

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

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

13 **Article - Insurance**

14 15-126.

15 ~~(A) IN THIS SECTION, "EMERGENCY SERVICES" HAS THE MEANING STATED IN~~
 16 ~~§ 19-701(D) OF THE HEALTH - GENERAL ARTICLE.~~

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

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

23 (2) SERIOUS IMPAIRMENT TO BODILY FUNCTIONS; OR

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

25 ~~(A)~~ (B) THIS SECTION APPLIES TO:

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

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

32 ~~(B) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IN ANY WAY PENALIZE OR~~
 33 ~~DISCRIMINATE AGAINST AN INSURED OR ENROLLEE FOR ACCESSING THE 911~~
 34 ~~SYSTEM TO OBTAIN EMERGENCY AMBULANCE SERVICES.~~

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

7 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN
 8 ENTITY MAY UTILIZE, FOR SERVICES THAT ARE NOT EMERGENCY SERVICES,
 9 SUBJECT TO THIS SECTION MAY USE TRANSPORTATION OUTSIDE THE 911 OR OTHER
 10 GOVERNMENT EMERGENCY MEDICAL SERVICES SYSTEMS SYSTEM FOR SERVICES
 11 THAT ARE NOT IN RESPONSE TO AN EMERGENCY MEDICAL CONDITION.

12 (D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT REQUIRE AN INSURED OR
 13 ENROLLEE TO OBTAIN PRIOR AUTHORIZATION BEFORE ACCESSING THE 911 SYSTEM
 14 OR OTHER STATE, COUNTY, OR LOCAL GOVERNMENT EMERGENCY MEDICAL
 15 SERVICES SYSTEM FOR EMERGENCY SERVICES AN EMERGENCY MEDICAL
 16 CONDITION.

17 (E) (E) AN ENTITY SUBJECT TO THIS SECTION MAY NOT USE FALSE OR
 18 MISLEADING LANGUAGE IN ITS ENROLLMENT SALES MATERIALS OR IN ANY OTHER
 19 MATERIALS PROVIDED TO INSUREDS OR ENROLLEES TO DISCOURAGE OR PROHIBIT
 20 INSUREDS OR ENROLLEES FROM ACCESSING THE 911 SYSTEM FOR EMERGENCY
 21 AMBULANCE SERVICES 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.