

BY: Delegate Billings

AMENDMENTS TO SENATE BILL NO. 903

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "Subrogation Provisions" insert "and Standards of Care and Liability in Health Care Treatment Decisions"; in line 20, before "providing" insert "requiring that a certain standard of care be exercised by a health maintenance organization in making health care treatment decisions; establishing the liability of the health maintenance organization for certain damages suffered by an enrollee under certain circumstances; defining a certain term";

and in line 21, after "of" insert "certain provisions of".

On page 2, in line 2, strike "19-713(b)" and substitute "19-710(f), 19-713(b)".

AMENDMENT NO. 2

On page 2, after line 12, insert:

"19-710.

(f) (1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE terms of the contracts to be offered to subscribers shall provide that the health care services provided to members of the health maintenance organization will meet reasonable standards of quality of care that are applicable to the geographic area to be served, as approved by the Department.

(2) (I) IN THIS PARAGRAPH, "ORDINARY CARE" MEANS THE DEGREE OF CARE THAT A HEALTH MAINTENANCE ORGANIZATION OF ORDINARY PRUDENCE WOULD USE UNDER THE SAME OR SIMILAR CIRCUMSTANCES.

(II) A CONTRACT BETWEEN A HEALTH MAINTENANCE

(Over)

ORGANIZATION AND ITS SUBSCRIBER OR GROUP OF SUBSCRIBERS SHALL PROVIDE THAT THE HEALTH MAINTENANCE ORGANIZATION:

1. HAS A DUTY TO EXERCISE ORDINARY CARE WHEN MAKING HEALTH CARE TREATMENT DECISIONS; AND

2. IS LIABLE FOR DAMAGES FOR HARM TO AN ENROLLEE THAT IS PROXIMATELY CAUSED BY THE FAILURE OF THE HEALTH MAINTENANCE ORGANIZATION TO EXERCISE ORDINARY CARE.

~~[(2)]~~ (3) If a health maintenance organization offers services that are within the scope of practice of a physician and another health care practitioner who is licensed under the Health Occupations Article, the health maintenance organization shall offer those services through other licensed health care practitioners, where appropriate, as determined by the health maintenance organization.

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

Article - Health - General".

AMENDMENT NO. 3

On page 4, in lines 13, 19, 22, and 28, strike “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “3.”, “4.”, “5.”, and “6.”, respectively; and in lines 13 and 19, in each instance, after “That” insert “Section 2 of”.