

HOUSE BILL 669

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2000 Regular Session
0lr0836
CF 0lr1277

By: **Delegates Goldwater, Brown, Eckardt, Harrison, Kirk, Krysiak, Love,
and ~~Walkup~~ Walkup, Donoghue, Fulton, McHale, Minnick, and Moe**

Introduced and read first time: February 10, 2000

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2000

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance - Access to Obstetric and Gynecological Services**

3 FOR the purpose of ~~prohibiting~~ requiring certain insurers, nonprofit health service
4 plans, and health maintenance organizations from limiting a woman's to allow a
5 woman to have direct access to certain obstetric and gynecological services from
6 a certified nurse midwife or certain other providers; ~~requiring certain insurers,~~
7 ~~nonprofit health service plans, and health maintenance organizations to allow a~~
8 ~~woman to choose a certified nurse midwife under certain circumstances~~
9 requiring a certified nurse midwife and certain other health care providers to
10 consult with a certain obstetrician/gynecologist regarding the delivery of certain
11 health care; and generally relating to access to obstetric and gynecological
12 services under health insurance.

13 BY repealing and reenacting, with amendments,

14 Article - Insurance

15 Section 15-816

16 Annotated Code of Maryland

17 (1997 Volume and 1999 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Health - General

20 Section 19-706(l)

21 Annotated Code of Maryland

22 (1996 Replacement Volume and 1999 Supplement)

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 without requiring the woman to visit a primary
18 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 communicates with the woman's primary care provider
22 about any diagnosis or treatment rendered; and

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

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

33 ~~(D) (+) AN ENTITY SUBJECT TO THIS SECTION MAY NOT LIMIT A WOMAN'S~~
34 ~~DIRECT ACCESS TO PRIMARY AND PREVENTIVE OBSTETRIC AND GYNECOLOGICAL~~
35 ~~SERVICES FROM A CERTIFIED NURSE-MIDWIFE OR ANY OTHER PROVIDER~~
36 ~~AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PROVIDE OBSTETRIC~~
37 ~~AND GYNECOLOGICAL SERVICES.~~

1 (2) If a health maintenance organization classifies an
 2 obstetrician/gynecologist as a primary care physician as provided under paragraph (1)
 3 of this subsection, and a woman does not choose an obstetrician/gynecologist as her
 4 primary care provider, the health maintenance organization shall permit the woman
 5 to receive an annual visit to an in-network obstetrician/gynecologist for routine
 6 gynecological care without requiring the woman to first visit her primary care
 7 provider, whether or not the primary care provider is qualified to and regularly
 8 provides routine gynecological care.

9 ~~(3) (I) A HEALTH MAINTENANCE ORGANIZATION MAY NOT LIMIT A~~
 10 ~~WOMAN'S DIRECT ACCESS TO PRIMARY AND PREVENTIVE OBSTETRIC AND~~
 11 ~~GYNECOLOGICAL SERVICES FROM A CERTIFIED NURSE MIDWIFE OR ANY OTHER~~
 12 ~~PROVIDER AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PROVIDE~~
 13 ~~OBSTETRIC AND GYNECOLOGICAL SERVICES.~~

14 ~~(II) A HEALTH MAINTENANCE ORGANIZATION SHALL ALLOW A~~
 15 ~~WOMAN TO CHOOSE A CERTIFIED NURSE MIDWIFE PARTICIPATING IN THE HEALTH~~
 16 ~~MAINTENANCE ORGANIZATION IF THE CERTIFIED NURSE MIDWIFE DISCUSSES THE~~
 17 ~~SERVICES AND TREATMENT PLAN WITH THE WOMAN'S PRIMARY CARE PROVIDER~~
 18 ~~AND INFORMS THE WOMAN'S PRIMARY CARE PROVIDER OF ALL HEALTH SERVICES~~
 19 ~~PROVIDED.~~

20 ~~(III) A HEALTH MAINTENANCE ORGANIZATION SHALL OFFER THE~~
 21 ~~WOMAN THE CHOICE OF AN OBSTETRIC AND GYNECOLOGICAL PROVIDER WITHIN~~
 22 ~~THE HEALTH MAINTENANCE ORGANIZATION AND MAY NOT REQUIRE THE WOMAN~~
 23 ~~TO RECEIVE OBSTETRIC AND GYNECOLOGICAL SERVICES FROM A SPECIFIC~~
 24 ~~CATEGORY OF PROVIDER.~~

25 (3) (I) A HEALTH MAINTENANCE ORGANIZATION SHALL ALLOW A
 26 WOMAN TO RECEIVE MEDICALLY NECESSARY, ROUTINE OBSTETRIC AND
 27 GYNECOLOGICAL CARE FROM AN IN-NETWORK CERTIFIED NURSE MIDWIFE OR ANY
 28 OTHER IN-NETWORK PROVIDER AUTHORIZED UNDER THE HEALTH OCCUPATIONS
 29 ARTICLE TO PROVIDE OBSTETRIC AND GYNECOLOGICAL SERVICES WITHOUT FIRST
 30 REQUIRING THE WOMAN TO VISIT A PRIMARY CARE PROVIDER.

31 (II) A CERTIFIED NURSE MIDWIFE OR OTHER NONPHYSICIAN
 32 PROVIDER AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE TO PROVIDE
 33 OBSTETRIC AND GYNECOLOGICAL SERVICES SHALL CONSULT WITH AN
 34 OBSTETRICIAN/GYNECOLOGIST WITH WHOM THE CERTIFIED NURSE MIDWIFE OR
 35 OTHER PROVIDER HAS A COLLABORATIVE AGREEMENT REGARDING ANY CARE
 36 RENDERED IN ACCORDANCE WITH THIS PARAGRAPH.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act ~~shall apply~~
 38 applies to all policies, contracts, and health benefit plans issued, delivered, or
 39 renewed in the State on or after October 1, 2000. ~~Any policy, contract, or health~~
 40 ~~benefit plan in effect before October 1, 2000 shall comply with the provisions of this~~
 41 ~~Act no later than October 1, 2001.~~

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.