

---

By: **Chairman, Economic Matters Committee (Departmental - Insurance Administration, Maryland)**

Introduced and read first time: January 19, 2001

Assigned to: Economic Matters

---

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Private Review Agents**

3 FOR the purpose of clarifying that certain grievance decisions must be made by a  
4 physician who is board certified or eligible in the same specialty as the  
5 treatment under review under certain circumstances; applying certain  
6 provisions of the Insurance Article to health maintenance organizations under  
7 certain circumstances; making a certain technical change concerning treatment  
8 plans for utilization review; providing for a delayed effective date; and generally  
9 relating to the qualifications of physicians who make grievance decisions and to  
10 the requirements in a treatment plan for utilization review.

11 BY repealing and reenacting, with amendments,  
12 Article - Health - General  
13 Section 19-706(y) and 19-729(a)(11)  
14 Annotated Code of Maryland  
15 (2000 Replacement Volume)

16 BY adding to  
17 Article - Health - General  
18 Section 19-706(rr)  
19 Annotated Code of Maryland  
20 (2000 Replacement Volume)

21 BY repealing and reenacting, with amendments,  
22 Article - Insurance  
23 Section 15-10B-03(d)(2)(i), 15-10B-06(e)(1), and 15-10B-09.1  
24 Annotated Code of Maryland  
25 (1997 Volume and 2000 Supplement)

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

1 **Article - Health - General**

2 19-706.

3 (y) The provisions of Title 15, Subtitles 10A [and], 10B, 10C, AND 10D of the  
4 Insurance Article shall apply to health maintenance organizations.

5 (RR) THE PROVISIONS OF § 15-1001 OF THE INSURANCE ARTICLE SHALL APPLY  
6 TO HEALTH MAINTENANCE ORGANIZATIONS.

7 19-729.

8 (a) A health maintenance organization may not:

9 (11) Fail to comply with the provisions of Title 15, Subtitle 10A, 10B, [or]  
10 10C, OR 10D or § 2-112.2 of the Insurance Article; or

11 **Article - Insurance**

12 15-10B-03.

13 (d) (2) (i) Subject to the provisions of subparagraph (iii) of this paragraph,  
14 the regulations adopted by the Commissioner shall include a uniform treatment plan  
15 form for utilization review of services for the treatment of a mental illness, emotional  
16 disorder, or a [drug abuse or alcohol] SUBSTANCE abuse disorder.

17 15-10B-06.

18 (e) (1) A private review agent that requires a health care provider to submit  
19 a treatment plan in order for the private review agent to conduct utilization review of  
20 proposed or delivered services for the treatment of a mental illness, emotional  
21 disorder, or a [drug abuse or alcohol] SUBSTANCE abuse disorder:

22 (i) shall accept the uniform treatment plan form adopted by the  
23 Commissioner under § 15-10B-03(d) of this subtitle as a properly submitted  
24 treatment plan form; and

25 (ii) may not impose any requirement to:

26 1. modify the uniform treatment plan form or its content; or

27 2. submit additional treatment plan forms.

28 15-10B-09.1.

29 A grievance decision shall be made based on the professional judgment of:

30 (1) (I) a [physician,] PHYSICIAN WHO IS BOARD CERTIFIED OR  
31 ELIGIBLE IN THE SAME SPECIALTY AS THE TREATMENT UNDER REVIEW; or

1 (II) a panel of other appropriate health care service reviewers with  
2 at least one physician on the panel who is board certified or eligible in the same  
3 specialty as the treatment under review;

4 (2) when the grievance decision involves a dental service, a licensed  
5 dentist, or a panel of appropriate health care service reviewers with at least one  
6 dentist on the panel who is a licensed dentist who shall consult with a dentist who is  
7 board certified or eligible in the same specialty as the service under review; or

8 (3) when the grievance decision involves a mental health or substance  
9 abuse [service,] SERVICE:

10 (I) a licensed[ physician, or] PHYSICIAN WHO:

11 1. IS BOARD CERTIFIED OR ELIGIBLE IN THE SAME  
12 SPECIALTY AS THE TREATMENT UNDER REVIEW; OR

13 2. IS ACTIVELY PRACTICING OR HAS DEMONSTRATED  
14 EXPERTISE IN THE SUBSTANCE ABUSE OR MENTAL HEALTH SERVICE OR  
15 TREATMENT UNDER REVIEW; OR

16 (II) a panel of other appropriate health care service reviewers with  
17 at least one physician, selected by the private review agent who:

18 [(i)] 1. is board certified or eligible in the same specialty as the  
19 treatment under review; or

20 [(ii)] 2. is actively practicing or has demonstrated expertise in the  
21 [alcohol, drug abuse,] SUBSTANCE ABUSE or mental health service or treatment  
22 under review.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect January 1, 2002.