
By: **Delegates Hammen, Boutin, Brown, Doory, Eckardt, Elliott, Frush,
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Snodgrass, Wood, ~~and Stull Stull, and Goldwater~~**

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Committee Report: Favorable with amendments
House action: Adopted with floor amendments
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CHAPTER _____

1 AN ACT concerning

2 **Health Maintenance Organizations - Patient Access to Choice of Provider**

3 FOR the purpose of altering certain standards of care for health maintenance
4 organizations to make them apply to services of nurse practitioners in addition
5 to physicians; requiring health maintenance organizations to allow for the
6 designation by a member or subscriber of a nurse practitioner as a primary care
7 provider; requiring a health maintenance organization to individually credential
8 a nurse practitioner under certain circumstances; requiring that the number of
9 nurse practitioners on the health maintenance organization's panel of providers
10 may not exceed a certain amount; providing that this Act does not limit a
11 member's or subscriber's selection of providers from those made available on the
12 health maintenance organization's panel of providers; prohibiting a health
13 maintenance organization from limiting to nurse practitioners the choice of a
14 provider by subscribers and members; providing that health maintenance
15 organizations are not required to include nurse practitioners on the panel of
16 providers; requiring the State Board of Nursing to create and maintain an
17 individual profile on each nurse practitioner certified by the Board; providing
18 for the contents of the profile; requiring the Board to make the profiles available
19 on written request and on the Internet; requiring the Board to make available to
20 each licensee the licensee's profile; requiring the Board to provide a reasonable
21 period to correct factual inaccuracies in the profile; providing that the
22 availability of the profile does not otherwise limit the Board's authority to
23 disclose information otherwise legally required to be disclosed; altering a
24 definition; and generally relating to health maintenance organizations and
25 nurse practitioners.

1 BY repealing and reenacting, without amendments,
2 Article - Health - General
3 Section 19-701(a), (h), and (i)
4 Annotated Code of Maryland
5 (2000 Replacement Volume)

6 BY repealing and reenacting, with amendments,
7 Article - Health - General
8 Section 19-701(f), 19-705.1(b), and 19-729
9 Annotated Code of Maryland
10 (2000 Replacement Volume)

11 BY adding to
12 Article - Health - General
13 Section 19-705.1(g), (h), and (i)
14 Annotated Code of Maryland
15 (2000 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article - Health Occupations
18 Section 8-306
19 Annotated Code of Maryland
20 (2000 Replacement Volume)

21 Preamble

22 WHEREAS, The 1997 federal budget bill contains provisions allowing direct
23 Medicare reimbursement to nurse practitioners regardless of geographic setting; and

24 WHEREAS, The new Maryland Medicaid Program, known as "HealthChoice",
25 has recognized nurse practitioners as primary care providers; and

26 WHEREAS, In 1995, the Maryland General Assembly passed the "Patient
27 Access Act", which provided health maintenance organization (HMO) members or
28 subscribers greater access and choice of providers; and

29 WHEREAS, It is the intent of the Maryland General Assembly to support health
30 care providers who are practicing as their licenses allow; and

31 WHEREAS, It is the intent of the Maryland General Assembly to allow
32 members or subscribers of HMOs the greatest amount of choice in selecting a primary
33 care provider; and

34 WHEREAS, It is the intent of the Maryland General Assembly to effect both of
35 these goals without interfering with the current relationship between physicians and
36 nurse practitioners; and

1 WHEREAS, It is the intent of the Maryland General Assembly to clarify the
2 laws of Maryland as they relate to allowing members or subscribers of HMOs the
3 greatest amount of choice in selecting a primary care provider who can best provide
4 for their health care needs; now, therefore,

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

7 **Article - Health - General**

8 19-701.

9 (a) In this subtitle the following words have the meanings indicated.

10 (f) "Health maintenance organization" means any person, including a profit
11 or nonprofit corporation organized under the laws of any state or country, that:

12 (1) Operates or proposes to operate in this State;

13 (2) Except as provided in § 19-703(b) and (f) of this subtitle, provides or
14 otherwise makes available to its members health care services that include at least
15 physician, hospitalization, laboratory, X-ray, emergency, and preventive services,
16 out-of-area coverage, and any other health care services that the Commissioner
17 determines to be available generally on an insured or prepaid basis in the area
18 serviced by the health maintenance organization, and, at the option of the health
19 maintenance organization, may provide additional coverage;

20 (3) Except for any copayment or deductible arrangement, is compensated
21 only on a predetermined periodic rate basis for providing to members the minimum
22 services that are specified in item (2) of this subsection;

23 (4) Assures its subscribers and members, the Commissioner, and the
24 Department that one clearly specified legal and administrative focal point or element
25 of the health maintenance organization has the responsibility of providing the
26 availability, accessibility, quality, and effective use of comprehensive health care
27 services; and

28 (5) Primarily provides services of physicians OR NURSE PRACTITIONERS:

29 (i) Directly through physicians OR NURSE PRACTITIONERS who are
30 either employees or partners of the health maintenance organization; or

31 (ii) Under arrangements with one or more groups of physicians OR
32 NURSE PRACTITIONERS, who are organized on a group practice or individual practice
33 basis, under which each group:

34 1. Is compensated for its services primarily on the basis of an
35 aggregate fixed sum or on a per capita basis; and

1 (ii) Each member who receives diagnostic evaluation or treatment
 2 is under the direct medical management of a health maintenance organization
 3 physician OR NURSE PRACTITIONER who provides continuing medical management;

4 (6) A requirement that each member shall have an opportunity to select
 5 a primary physician OR NURSE PRACTITIONER from among those available to the
 6 health maintenance organization; ~~and~~

7 (7) A requirement that a health maintenance organization print, in any
 8 directory of participating providers or hospitals, in a conspicuous manner, the
 9 address, telephone number, and facsimile number of the State agency that members,
 10 enrollees, and insureds may call to discuss quality of care issues, life and health
 11 insurance complaints, and assistance in resolving billing and payment disputes with
 12 the health plan or health care provider, as follows:

13 (i) For quality of care issues and life and health care insurance
 14 complaints, the Maryland Insurance Administration; and

15 (ii) For assistance in resolving a billing or payment dispute with
 16 the health plan or a health care provider, the Health Education and Advocacy Unit of
 17 the Consumer Protection Division of the Office of the Attorney General; AND

18 (8) A REQUIREMENT THAT A HEALTH MAINTENANCE ORGANIZATION
 19 SHALL INDIVIDUALLY CREDENTIAL EACH NURSE PRACTITIONER WHO SERVES AS A
 20 PRIMARY CARE PROVIDER FOR THE HEALTH MAINTENANCE ORGANIZATION.

21 (G) THE NUMBER OF NURSE PRACTITIONERS ON THE PROVIDER PANEL OF A
 22 HEALTH MAINTENANCE ORGANIZATION MAY NOT EXCEED 50% OF THE TOTAL
 23 NUMBER OF PRIMARY CARE PROVIDERS ON THE PROVIDER PANEL.

24 ~~(G)~~ (H) NOTWITHSTANDING SUBSECTION (B)(4) ~~AND (5)~~ OF THIS SECTION,
 25 THIS SECTION DOES NOT PREVENT A MEMBER OR SUBSCRIBER OF A HEALTH
 26 MAINTENANCE ORGANIZATION FROM SELECTING A PHYSICIAN OR NURSE
 27 PRACTITIONER OF THE MEMBER'S OR SUBSCRIBER'S CHOICE FROM AMONG THOSE
 28 PHYSICIANS AND NURSE PRACTITIONERS MADE AVAILABLE ON THE PROVIDER
 29 PANEL MAINTAINED BY THE HEALTH MAINTENANCE ORGANIZATION.

30 (I) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THAT A HEALTH
 31 MAINTENANCE ORGANIZATION INCLUDE NURSE PRACTITIONERS ON THE PROVIDER
 32 PANEL AS PRIMARY CARE PROVIDERS.

33 19-729.

34 (a) A health maintenance organization may not:

35 (1) Violate any provision of this subtitle or any rule or regulation
 36 adopted under it;

37 (2) Fail to fulfill its obligations to provide the health care services
 38 specified in its contracts with subscribers;

1 (3) Make any false statement with respect to any report or statement
2 required by this subtitle or by the Commissioner under this subtitle;

3 (4) Advertise, merchandise, or attempt to merchandise its services in a
4 way that misrepresents its services or capacity for service;

5 (5) Engage in a deceptive, misleading, unfair, or unauthorized practice
6 as to advertising or merchandising;

7 (6) Prevent or attempt to prevent the Commissioner or the Department
8 from performing any duty imposed by this subtitle;

9 (7) Fraudulently obtain or fraudulently attempt to obtain any benefit
10 under this subtitle;

11 (8) Fail to fulfill the basic requirements to operate as a health
12 maintenance organization as provided in § 19-710 of this subtitle;

13 (9) Violate any applicable provision of Title 15, Subtitle 12 of the
14 Insurance Article;

15 (10) Fail to provide services to a member in a timely manner as provided
16 in § 19-705.1(b)(1) of this subtitle;

17 (11) Fail to comply with the provisions of Title 15, Subtitle 10A, 10B, or
18 10C or § 2-112.2 of the Insurance Article; [or]

19 (12) Violate any provision of § 19-712.5 of this subtitle; OR

20 (13) REQUIRE OR ATTEMPT TO REQUIRE A MEMBER OR SUBSCRIBER TO
21 SELECT OR BE SEEN BY A NURSE PRACTITIONER UNDER § 19-705.1(B) OF THIS
22 SUBTITLE.

23 (b) If any health maintenance organization violates this section, the
24 Commissioner may pursue any one or more of the courses of action described in §
25 19-730 of this subtitle.

26 **Article - Health Occupations**

27 8-306.

28 (A) An applicant qualifies for certification as a certified nurse practitioner
29 only if the applicant passes a Board-approved examination.

30 (B) THE BOARD SHALL CREATE AND MAINTAIN AN INDIVIDUAL PROFILE ON
31 EACH NURSE PRACTITIONER CERTIFIED BY THE BOARD THAT INCLUDES THE
32 FOLLOWING INFORMATION:

1 (1) A DESCRIPTION OF ANY DISCIPLINARY ACTION TAKEN BY THE
2 BOARD AGAINST THE NURSE PRACTITIONER WITHIN THE MOST RECENT 10-YEAR
3 PERIOD;

4 (2) A DESCRIPTION OF ANY FINAL DISCIPLINARY ACTION TAKEN BY A
5 LICENSING BOARD IN ANY OTHER STATE OR JURISDICTION AGAINST THE NURSE
6 PRACTITIONER WITHIN THE MOST RECENT 10-YEAR PERIOD;

7 (3) THE NAME OF ANY SCHOOL PROVIDING ADVANCED MEDICAL
8 TRAINING THAT THE NURSE PRACTITIONER ATTENDED AND THE DATE ON WHICH
9 THE NURSE PRACTITIONER GRADUATED FROM THE SCHOOL;

10 (4) A DESCRIPTION OF ANY SPECIALTY CERTIFICATION OF THE NURSE
11 PRACTITIONER BY A RECOGNIZED NURSING BOARD;

12 (5) THE NAME OF ANY HOSPITAL WHERE THE NURSE PRACTITIONER
13 HAS STAFF OR HOSPITAL PRIVILEGES;

14 (6) THE LOCATION OF THE NURSE PRACTITIONER'S PRIMARY PRACTICE
15 SETTING; AND

16 (7) WHETHER THE NURSE PRACTITIONER PARTICIPATES IN THE
17 MARYLAND MEDICAL ASSISTANCE PROGRAM.

18 (C) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (B) OF THIS
19 SECTION, THE BOARD SHALL PROVIDE APPROPRIATE AND ACCESSIBLE INTERNET
20 LINKS FROM THE BOARD'S INTERNET SITE:

21 (1) TO THE EXTENT AVAILABLE, TO THE APPROPRIATE PORTION OF THE
22 INTERNET SITE OF EACH HEALTH MAINTENANCE ORGANIZATION LICENSED IN THIS
23 STATE WHICH WILL ALLOW THE PUBLIC TO ASCERTAIN THE NAMES OF THE NURSE
24 PRACTITIONERS AFFILIATED WITH THE HEALTH MAINTENANCE ORGANIZATION;
25 AND

26 (2) TO THE APPROPRIATE PORTION OF THE INTERNET SITE OF THE
27 AMERICAN NURSES ASSOCIATION.

28 (D) THE BOARD:

29 (1) ON RECEIPT OF A WRITTEN REQUEST FOR A NURSE PRACTITIONER'S
30 PROFILE FROM ANY PERSON, SHALL FORWARD A WRITTEN COPY OF THE PROFILE TO
31 THE PERSON; AND

32 (2) SHALL MAKE ALL PROFILES AVAILABLE TO THE PUBLIC ON THE
33 BOARD'S INTERNET SITE.

34 (E) SUBJECT TO SUBSECTION (F) OF THIS SECTION, BEFORE MAKING A
35 PROFILE INITIALLY AVAILABLE TO THE PUBLIC UNDER SUBSECTION (D) OF THIS
36 SECTION, THE BOARD SHALL:

1 (1) UNLESS THE NURSE PRACTITIONER AUTHORIZES AND REQUESTS A
2 COPY OF THE PROFILE BY ELECTRONIC MEANS, PROVIDE EACH NURSE
3 PRACTITIONER WITH A WRITTEN COPY OF THE NURSE PRACTITIONER'S PROFILE;
4 AND

5 (2) PROVIDE A REASONABLE PERIOD FOR THE NURSE PRACTITIONER TO
6 CORRECT ANY FACTUAL INACCURACIES IN THE PROFILE.

7 (F) THE BOARD SHALL INCLUDE ADDITIONAL INFORMATION RELATING TO A
8 FINAL DISCIPLINARY ACTION TAKEN BY THE BOARD AGAINST A NURSE
9 PRACTITIONER IN THE NURSE PRACTITIONER'S PROFILE WITHIN 10 DAYS AFTER THE
10 ACTION BECOMES FINAL.

11 (G) THIS SECTION DOES NOT LIMIT THE BOARD'S AUTHORITY TO DISCLOSE
12 INFORMATION OTHERWISE REQUIRED TO BE DISCLOSED UNDER STATE OR FEDERAL
13 LAW.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2001.