

---

By: ~~Delegate Pendergrass~~ Delegates Pendergrass and Murray

Introduced and read first time: February 7, 2003

Assigned to: Health and Government Operations

---

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 18, 2003

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance - Private Review Agents - Certification**

3 FOR the purpose of authorizing the Insurance Commissioner to consider an applicant  
4 to become a private review agent as having met a particular certification  
5 requirement under certain circumstances; authorizing the Commissioner to  
6 adopt certain regulations; requiring that a certain report be made available to  
7 the public on request; and generally relating to the certification of private  
8 review agents.

9 BY repealing and reenacting, with amendments,  
10 Article - Insurance  
11 Section 15-10B-03  
12 Annotated Code of Maryland  
13 (2002 Replacement Volume and 2002 Supplement)

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

16 **Article - Insurance**

17 15-10B-03.

18 (a) A private review agent may not conduct utilization review in this State  
19 unless the Commissioner has granted the private review agent a certificate.

20 (b) The Commissioner shall issue a certificate to an applicant that has met all  
21 the requirements of this subtitle and all applicable regulations of the Commissioner.

1 (c) A certificate issued under this subtitle is not transferable.

2 (D) THE COMMISSIONER MAY CONSIDER AN APPLICANT AS HAVING MET A  
3 PARTICULAR CERTIFICATION REQUIREMENT UNDER THIS SUBTITLE IF:

4 (1) THE APPLICANT HAS OBTAINED UTILIZATION MANAGEMENT  
5 ACCREDITATION FROM AN APPROVED ACCREDITING ORGANIZATION AS  
6 DETERMINED BY THE COMMISSIONER;

7 (2) THE APPROVED ACCREDITING ORGANIZATION HAS REQUIREMENTS  
8 THAT MEET OR EXCEED THE PARTICULAR REQUIREMENT IN THIS SUBTITLE; AND

9 (3) THE APPLICANT DEMONSTRATES THAT THE APPLICANT MEETS OR  
10 EXCEEDS THE PARTICULAR REQUIREMENT UNDER THIS SUBTITLE.

11 (E) THE COMMISSIONER MAY ADOPT REGULATIONS TO IMPLEMENT THE  
12 PROVISIONS OF THIS SECTION.

13 (F) THE COMMISSIONER MAY NOT ISSUE A CERTIFICATE TO AN APPLICANT  
14 WITH UTILIZATION MANAGEMENT ACCREDITATION BY AN APPROVED ACCREDITING  
15 ORGANIZATION UNLESS THE APPLICANT MEETS ALL THE REQUIREMENTS OF THIS  
16 SUBTITLE AND ALL APPLICABLE REGULATIONS OF THE COMMISSIONER.

17 (G) A REPORT OF AN APPROVED ACCREDITING ORGANIZATION USED BY THE  
18 COMMISSIONER AS EVIDENCE THAT THE APPLICANT HAS ~~MEET~~ MET A PARTICULAR  
19 REQUIREMENT FOR A PRIVATE REVIEW AGENT CERTIFICATE SHALL BE MADE  
20 AVAILABLE BY THE COMMISSIONER TO THE PUBLIC ON REQUEST.

21 [(d)] (H) (1) The Commissioner, after consultation with payors, including  
22 the Health Insurance Association of America, the League of Life and Health Insurers  
23 of Maryland, and the Maryland Association of Health Plans, and providers of health  
24 care, including the MHA: the Association of Maryland Hospitals and Health Systems,  
25 CareFirst BlueCross BlueShield, the Medical and Chirurgical Faculty of Maryland,  
26 and licensed or certified providers of treatment for a mental illness, emotional  
27 disorder, or a drug abuse or alcohol abuse disorder, shall adopt regulations to  
28 implement the provisions of this subtitle.

29 (2) (i) Subject to the provisions of subparagraph (iii) of this paragraph,  
30 the regulations adopted by the Commissioner shall include a uniform treatment plan  
31 form for utilization review of services for the treatment of a mental illness, emotional  
32 disorder, or a substance abuse disorder.

33 (ii) The uniform treatment plan form adopted by the  
34 Commissioner:

35 1. shall adequately protect the confidentiality of the patient;

36 and

