
By: **Delegates Donoghue and Nathan-Pulliam**
Introduced and read first time: February 12, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Providers - Collection of Medicare Copayments and**
3 **Deductibles**

4 FOR the purpose of authorizing a health care provider to collect certain Medicare
5 copayments and deductibles from individual subscribers or enrollees when
6 Medicare is the primary insurer and a health maintenance organization is the
7 secondary insurer; and generally relating to the collection of Medicare
8 copayments and deductibles by health care providers.

9 BY repealing and reenacting, without amendments,
10 Article - Health - General
11 Section 19-710(a)
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 19-710(p)
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2003 Supplement)

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

21 **Article - Health - General**

22 19-710.

23 (a) To qualify for a certificate of authority to operate as a health maintenance
24 organization, an applicant shall satisfy the Commissioner that the applicant will
25 meet the requirements of this section.

26 (p) (1) Except as provided in paragraph (3) of this subsection, individual
27 enrollees and subscribers of health maintenance organizations issued certificates of

1 authority to operate in this State shall not be liable to any health care provider for
2 any covered services provided to the enrollee or subscriber.

3 (2) (i) A health care provider or any representative of a health care
4 provider may not collect or attempt to collect from any subscriber or enrollee any
5 money owed to the health care provider by a health maintenance organization issued
6 a certificate of authority to operate in this State.

7 (ii) A health care provider or any representative of a health care
8 provider may not maintain any action against any subscriber or enrollee to collect or
9 attempt to collect any money owed to the health care provider by a health
10 maintenance organization issued a certificate of authority to operate in this State.

11 (3) Notwithstanding any other provision of this subsection, a health care
12 provider or representative of a health care provider may collect or attempt to collect
13 from a subscriber or enrollee:

14 (i) Any copayment or coinsurance sums owed by the subscriber or
15 enrollee to a health maintenance organization issued a certificate of authority to
16 operate in this State for covered services provided by the health care provider; [or]

17 (II) ANY MEDICARE COPAYMENT OR DEDUCTIBLE OWED BY THE
18 SUBSCRIBER OR ENROLLEE TO A HEALTH CARE PROVIDER OR A REPRESENTATIVE
19 OF A HEALTH CARE PROVIDER FOR COVERED SERVICES PROVIDED BY THE HEALTH
20 CARE PROVIDER WHEN MEDICARE IS THE PRIMARY INSURER AND A HEALTH
21 MAINTENANCE ORGANIZATION IS THE SECONDARY INSURER; OR

22 [(ii)] (III) Any payment or charges for services that are not covered
23 services.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect October 1, 2004.