
By: **Delegate Hurson**

Introduced and read first time: February 17, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Impairment of Health Care Services Contracts**

3 FOR the purpose of adding a new section to the Maryland Constitution to prohibit a
4 contract, agreement, or policy by an insurance company, health service plan, or
5 health maintenance organization for the provision of health care services to an
6 individual to impair or interfere with a contract or agreement entered into by a
7 provider and the individual for health care services; prohibiting a provider and
8 an individual who have entered into a contract or agreement for health care
9 services from waiving a certain restriction imposed on an insurance company,
10 health service plan, or health maintenance organization; and submitting this
11 amendment to the qualified voters of the State of Maryland for their adoption or
12 rejection.

13 BY proposing an addition to the Maryland Constitution

14 Article XV - Miscellaneous

15 Section 4

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
18 concurring), That it be proposed that the Maryland Constitution read as follows:

19 **Article XV - Miscellaneous**

20 4.

21 (A) NO CONTRACT, AGREEMENT, OR POLICY ENTERED INTO BY AN
22 INSURANCE COMPANY, HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE
23 ORGANIZATION TO PROVIDE HEALTH CARE SERVICES TO AN INDIVIDUAL SHALL BE
24 USED TO IMPAIR OR OTHERWISE INTERFERE WITH A CONTRACT OR AGREEMENT
25 ENTERED INTO BY A PROVIDER AND THE INDIVIDUAL FOR HEALTH CARE SERVICES.

26 (B) NEITHER A PROVIDER NOR AN INDIVIDUAL WHO HAS ENTERED INTO A
27 CONTRACT OR AGREEMENT FOR HEALTH CARE SERVICES SHALL WAIVE THE
28 RESTRICTION IMPOSED ON AN INSURANCE COMPANY, HEALTH SERVICE PLAN, OR
29 HEALTH MAINTENANCE ORGANIZATION AS PROVIDED IN SUBSECTION (A) OF THIS
30 SECTION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
2 determines that the amendment to the Maryland Constitution proposed by this Act
3 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
4 Maryland Constitution concerning local approval of constitutional amendments do
5 not apply.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
7 proposed as an amendment to the Maryland Constitution shall be submitted to the
8 legal and qualified voters of this State at the next general election to be held in
9 November, 2006 for their adoption or rejection in pursuance of directions contained in
10 Article XIV of the Maryland Constitution. At that general election, the vote on this
11 proposed amendment to the Constitution shall be by ballot, and upon each ballot
12 there shall be printed the words "For the Constitutional Amendment" and "Against
13 the Constitutional Amendment," as now provided by law. Immediately after the
14 election, all returns shall be made to the Governor of the vote for and against the
15 proposed amendment, as directed by Article XIV of the Maryland Constitution, and
16 further proceedings had in accordance with Article XIV.