#### **UNOFFICIAL COPY OF HOUSE BILL 896**

6lr2586 CF 6lr2587

# By: Delegate Donoghue Introduced and read first time: February 8, 2006 Assigned to: Health and Government Operations

### A BILL ENTITLED

1	AN	ACT	concerning
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2 3	Health Maintenance Organizations - Payment of Noncontracting Health Care Providers					
4 5 6 7 8 9 10 11 12	FOR the purpose of altering the rate at which a health maintenance organization must pay certain health care providers not under written contract with the health maintenance organization for certain services rendered by the health care providers; requiring a health maintenance organization to file certain information and a certain affidavit with the Maryland Insurance Administration on or before a certain date each year; requiring a health maintenance organization to notify the Maryland Insurance Commissioner of certain rate information; and generally relating to the reimbursement of noncontracting health care providers by health maintenance organizations.					
14 15 16 17 18	BY repealing and reenacting, with amendments, Article - Health - General Section 19-710.1(b) Annotated Code of Maryland (2005 Replacement Volume and 2005 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:					
20	Article - Health - General					
21	19-710.1.					
24	2 (b) (1) In addition to any other provisions of this subtitle, for a covered 3 service rendered to an enrollee of a health maintenance organization by a health care 4 provider not under written contract with the health maintenance organization, the 5 health maintenance organization or its agent:					
26 27	(i) Shall pay the health care provider within 30 days after the receipt of a claim in accordance with the applicable provisions of this subtitle; and					

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Shall pay the claim submitted by: (ii)

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1 2 Cost Review Commission;	1.	A hospital at the rate approved by the Health Services		
<ul><li>3</li><li>4 patient in a trauma center, at t</li></ul>	2. he greate	A trauma physician for trauma care rendered to a trauma r of:		
<ul><li>5</li><li>6 published by the Centers for M</li><li>7 service, to a similarly licensed</li></ul>		140% of the rate paid by the Medicare program, as and Medicaid Services, for the same covered r; or		
B. The rate as of January 1, 2001 that the health maintenance organization paid in the same geographic area, as published by the Centers for Medicare and Medicaid Services, for the same covered service, to a similarly licensed provider; and				
12	3.	Any other health care provider at the [greater] LESSER of:		
13 14 OR	А.	THE BILLED CHARGES OF THE HEALTH CARE PROVIDER;		
<ul> <li>[A.] B. 125% of the HIGHEST CONTRACT rate the health</li> <li>maintenance organization [pays] PAID, AS OF JANUARY 1 OF THE CALENDAR YEAR IN</li> <li>WHICH THE HEALTH CARE SERVICE WAS DELIVERED, in the same geographic area, as</li> <li>published by the Centers for Medicare and Medicaid Services, for the same covered</li> <li>service, to a similarly licensed provider under written contract with the health</li> <li>maintenance organization[; or</li> </ul>				
23 Centers for Medicare and Me	dicaid Se	The rate as of January 1, 2000 that the health same geographic area, as published by the ervices, for the same covered service, to a written contract with the health maintenance		
26(2)(I)27MAINTENANCE ORGANIZ28ADMINISTRATION:		BEFORE JANUARY 31 OF EACH YEAR, A HEALTH SHALL FILE WITH THE MARYLAND INSURANCE		
		THE HIGHEST CONTRACT RATES FOR EACH GEOGRAPHIC HED BY THE CENTERS FOR MEDICARE AND E AS OF JANUARY 1 OF THAT YEAR; AND		
34 OFFICER REVIEWED THE	RATE I	AN AFFIDAVIT, SIGNED BY AN OFFICER OF THE HEALTH UNDER PENALTY OF PERJURY, STATING THAT THE NFORMATION AND, TO THE BEST OF THE OFFICER'S ND BELIEF, THE INFORMATION IS TRUE.		
38 ORGANIZATION SHALL N	HIS PAR NOTIFY '	E TIME OF THE RATE FILING REQUIRED UNDER AGRAPH, THE HEALTH MAINTENANCE THE COMMISSIONER OF ANY RATE INFORMATION		

39 THAT THE HEALTH MAINTENANCE ORGANIZATION CONSIDERS PROPRIETARY.

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1 [(2)] (3) A health maintenance organization shall disclose, on request of

- 2 a health care provider not under written contract with the health maintenance
- 3 organization, the reimbursement rate required under paragraph (1)(ii)2 and 3 of this

4 subsection.

5 [(3)] (4) (i) Subject to subparagraph (ii) of this paragraph, a health 6 maintenance organization may require a trauma physician not under contract with

7 the health maintenance organization to submit appropriate adjunct claims

8 documentation and to include on the uniform claim form a provider number assigned

9 to the trauma physician by the health maintenance organization.

10 (ii) If a health maintenance organization requires a trauma

11 physician to include a provider number on the uniform claim form in accordance with

 $12\;$  subparagraph (i) of this paragraph, the health maintenance organization shall assign

13 a provider number to a trauma physician not under contract with the health

14 maintenance organization at the request of the physician.

15 [(4)] (5) A trauma center, on request from a health maintenance 16 organization, shall verify that a licensed physician is credentialed or otherwise

17 designated by the trauma center to provide trauma care.

18 [(5)] (6) Notwithstanding the provisions of § 19-701(d) of this subtitle,

19 for trauma care rendered to a trauma patient in a trauma center by a trauma

20 physician, a health maintenance organization may not require a referral or

21 preauthorization for a service to be covered.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 23 October 1, 2006.

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