

# HOUSE BILL 435

C3

(0lr2219)

## ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by Delegates Kach and Jones, Jones, Benson, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance – Reimbursement of Physicians – Services Outside of Office**  
3 **~~Hours, by Telephone, or Online~~ Primary Care Providers – Bonus Payments**

4 FOR the purpose of requiring certain health insurance carriers to ~~reimburse~~  
5 ~~physicians a bonus payment~~ pay a bonus to primary care providers for services  
6 provided in the office at certain times; requiring certain health insurance  
7 carriers to ~~reimburse physicians a separate payment for an evaluation and~~  
8 ~~management service delivered in a certain manner under certain circumstances~~  
9 include certain items in their contracts with primary care providers; specifying  
10 the contracts and policies to which this Act applies; making certain provisions of  
11 this Act applicable to health maintenance organizations; providing for a certain  
12 exception; defining a ~~certain term~~ *certain terms*; and generally relating to

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber/conference committee amendments.



reimbursement of ~~physicians~~ primary care providers by health insurance carriers.

BY adding to

Article – Health – General  
Section 19–706(cccc)  
Annotated Code of Maryland  
(2009 Replacement Volume)

BY adding to

Article – Insurance  
Section 15–134  
Annotated Code of Maryland  
(2006 Replacement Volume and 2009 Supplement)

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

**Article – Health – General**

19–706.

(CCCC) THE PROVISIONS OF § 15–134 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

**Article – Insurance**

15–134.

(A) (1) IN THIS SECTION, ~~“CARRIER” MEANS:~~

~~(1)~~ THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CARRIER” MEANS:

(I) AN INSURER;

~~(2)~~ (II) A NONPROFIT HEALTH SERVICE PLAN;

~~(3)~~ (III) A HEALTH MAINTENANCE ORGANIZATION; OR

~~(4)~~ (IV) ~~A DENTAL PLAN ORGANIZATION; OR~~

~~(5)~~ ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO REGULATION BY THE STATE.

1                   (3) “GROUP MODEL HEALTH MAINTENANCE ORGANIZATION” HAS  
2 THE MEANING STATED IN § 19-713.6(A) OF THE HEALTH – GENERAL ARTICLE.

3           (B) THIS SECTION APPLIES ONLY TO CONTRACTS OR POLICIES THAT:

4                   (1) ARE ISSUED OR DELIVERED BY A CARRIER; AND

5                   (2) PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO  
6 INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS.

7           ~~(B) (C)~~ (1) EACH EXCEPT AS PROVIDED IN SUBSECTION (D) OF  
8 THIS SECTION, EACH CARRIER SHALL REIMBURSE PHYSICIANS;

9                   ~~(1) A BONUS PAYMENT~~ PAY A BONUS TO PRIMARY CARE  
10 PROVIDERS FOR SERVICES PROVIDED IN THE OFFICE:

11                           (I) ~~AT TIMES OTHER THAN REGULARLY SCHEDULED~~  
12 ~~OFFICE HOURS~~ AFTER 6 P.M. AND BEFORE 8 A.M.; OR

13                           (II) ~~ON DAYS WHEN THE OFFICE IS NORMALLY CLOSED; AND~~  
14 ON WEEKENDS AND NATIONAL HOLIDAYS.

15                   (2) ~~A SEPARATE PAYMENT FOR AN EVALUATION AND~~  
16 ~~MANAGEMENT SERVICE DELIVERED BY TELEPHONE OR ONLINE IF THE~~  
17 ~~COMMUNICATION;~~

18                           ~~(I) IS NOT PART OF AN IN-PERSON VISIT THAT TOOK PLACE~~  
19 ~~WITHIN 48 HOURS BEFORE THE COMMUNICATION; OR~~

20                           ~~(II) DOES NOT LEAD TO AN IN-PERSON VISIT THAT TAKES~~  
21 ~~PLACE WITHIN 24 HOURS AFTER THE COMMUNICATION~~ A CARRIER SHALL  
22 PROVIDE FOR AND DESCRIBE THE TERMS OF THE BONUS PAYMENT REQUIRED  
23 IN PARAGRAPH (1) OF THE THIS SUBSECTION IN A SEPARATE CLAUSE IN THE  
24 CARRIER’S CONTRACT WITH THE PRIMARY CARE PROVIDER.

25           (D) A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION IS NOT  
26 REQUIRED TO MAKE ANY BONUS PAYMENTS DESCRIBED IN SUBSECTION (C) OF  
27 THIS SECTION TO PHYSICIANS THAT ARE EMPLOYED BY THE PHYSICIAN GROUP  
28 UNDER CONTRACT WITH THE GROUP MODEL HEALTH MAINTENANCE  
29 ORGANIZATION.

30           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.