

# HOUSE BILL 435

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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

Introduced and read first time: January 29, 2010

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2010

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## 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; defining a certain  
12 term; and generally relating to reimbursement of ~~physicians~~ primary care  
13 providers by health insurance carriers.

14 BY adding to  
15 Article – Health – General  
16 Section 19–706(cccc)  
17 Annotated Code of Maryland  
18 (2009 Replacement Volume)

19 BY adding to  
20 Article – Insurance

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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.



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) IN THIS SECTION, “CARRIER” MEANS:

(1) AN INSURER;

(2) A NONPROFIT HEALTH SERVICE PLAN;

(3) A HEALTH MAINTENANCE ORGANIZATION; OR

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

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

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

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

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

~~(B)~~ (C) (1) ~~EACH CARRIER SHALL REIMBURSE PHYSICIANS:~~

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

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

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

3                   ~~(2) A SEPARATE PAYMENT FOR AN EVALUATION AND~~  
4 ~~MANAGEMENT SERVICE DELIVERED BY TELEPHONE OR ONLINE IF THE~~  
5 ~~COMMUNICATION;~~

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

8                   ~~(II) DOES NOT LEAD TO AN IN PERSON VISIT THAT TAKES~~  
9 ~~PLACE WITHIN 24 HOURS AFTER THE COMMUNICATION~~ A CARRIER SHALL  
10 PROVIDE FOR AND DESCRIBE THE TERMS OF THE BONUS PAYMENT REQUIRED  
11 IN PARAGRAPH (1) OF THE SUBSECTION IN A SEPARATE CLAUSE IN THE  
12 CARRIER'S CONTRACT WITH THE PRIMARY CARE PROVIDER.

13               SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
14               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.