

HOUSE BILL 1715

C3

8lr3541

By: **Delegate West**

Introduced and read first time: February 16, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Health Care Provider Panels – Provider Contracts –**
3 **Prohibited Provisions**

4 FOR the purpose of prohibiting a certain provider contract from containing a provision
5 requiring a certain carrier to include a certain provider in certain provider panels or
6 tiers within certain provider panels; providing for the application of this Act; and
7 generally relating to health insurance provider contracts.

8 BY repealing and reenacting, without amendments,

9 Article – Insurance

10 Section 15–112.2(a)

11 Annotated Code of Maryland

12 (2017 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article – Insurance

15 Section 15–112.2(b)

16 Annotated Code of Maryland

17 (2017 Replacement Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Insurance**

21 15–112.2.

22 (a) (1) In this section the following words have the meanings indicated.

23 (2) “Capitated dental provider panel” means a provider panel for one or
24 more dental plan organizations offering contracts only for dental services reimbursed on a

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 capitated basis for certain services.

2 (3) “Carrier” means:

3 (i) an insurer;

4 (ii) a nonprofit health service plan;

5 (iii) a health maintenance organization; or

6 (iv) a dental plan organization.

7 (4) “Enrollee” means a person entitled to health care benefits from a
8 carrier.

9 (5) “Fee-for-service dental provider panel” means a provider panel for one
10 or more dental plan organizations, insurers, or nonprofit health service plans offering
11 contracts only for dental services reimbursed on a full or discounted fee-for-service basis.

12 (6) “HMO provider panel” means a provider panel for one or more health
13 maintenance organizations.

14 (7) “Managed care organization” has the meaning stated in § 15-101 of the
15 Health – General Article.

16 (8) “Non-HMO provider panel” means a provider panel for one or more
17 nonprofit health service plans or insurers.

18 (9) “Provider” has the meaning stated in § 19-701 of the Health – General
19 Article.

20 (10) “Provider contract” means a contract:

21 (i) between a provider and a carrier, an affiliate of a carrier, or an
22 entity that contracts with a provider to serve a carrier; and

23 (ii) under which the provider agrees to provide health care services
24 to enrollees.

25 (11) “Provider panel” means the providers that contract either directly or
26 through a subcontracting entity with a carrier to provide health care services to enrollees.

27 (b) (1) A provider contract may not contain a provision that requires a
28 provider:

29 (i) as a condition of participating in a non-HMO provider panel, to
30 participate in an HMO provider panel; or

1 (ii) as a condition of participating in a fee-for-service dental
2 provider panel, to participate in a capitated dental provider panel.

3 (2) Notwithstanding paragraph (1) of this subsection, a provider contract
4 may contain a provision that requires a provider, as a condition of participating in a
5 non-HMO provider panel, an HMO provider panel, or a dental provider panel, to
6 participate in a managed care organization.

7 **(3) A PROVIDER CONTRACT MAY NOT CONTAIN A PROVISION THAT**
8 **REQUIRES A CARRIER TO INCLUDE A PROVIDER IN EACH OF THE:**

9 **(I) CARRIER'S HMO PROVIDER PANELS;**

10 **(II) CARRIER'S NON-HMO PROVIDER PANELS; OR**

11 **(III) TIERS WITHIN THOSE PANELS.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
13 provider contracts issued, renewed, or amended in the State on or after July 1, 2018, or, for
14 provider contracts in effect in the State on July 1, 2018, but not subject to renewal before
15 July 1, 2018, no later than July 1, 2019.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
17 1, 2018.