

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 902

(Senator Augustine)

Finance

Health and Government Operations

Health Insurance - Access to Nonparticipating Providers - Referrals, Additional Assistance, and Coverage

This bill alters and expands existing requirements on health insurance carriers regarding referral procedures for nonparticipating specialists and nonphysician specialists. The bill also repeals the termination date for Chapters 271 and 272 of 2022. **The bill's provisions repealing the termination date take effect June 1, 2025; provisions regarding referral procedures take effect January 1, 2026, and apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after that date.**

Fiscal Summary

State Effect: No effect in FY 2025. Minimal special fund revenue increase for the Maryland Insurance Administration (MIA) in FY 2026 from the \$125 rate and form filing fee. Any additional workload on MIA can likely be handled within existing budgeted resources. No impact on the State Employee and Retiree Health and Welfare Benefits Program.

Local Effect: The bill is not anticipated to materially affect local government finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary/Current Law:

Provider Requirements Regarding Referrals to Nonparticipating Specialists

Under current law, each carrier must establish and implement a procedure by which a member may request a referral to a specialist or nonphysician specialist that is not part of

the carrier's provider panel if the member is diagnosed with a condition or disease that requires specialized health care services or medical care. The procedure must provide for a referral if the carrier does not have a specialist or nonphysician specialist with the professional training and expertise to treat or provide health care services for the condition in its provider panel or cannot provide reasonable access to such a specialist without unreasonable delay or travel. (Code of Maryland Regulations [31.10.44.05](#) and [.06](#) specify travel distance standards by provider type and appointment waiting time standards, respectively.)

The bill specifies that a referral must also be made if the member is seeking mental health or substance use disorder (SUD) care and the carrier cannot provide reasonable access to a specialist or nonphysician specialist within the reasonable appointment waiting time and travel distance standards established in regulation for mental health and SUD services. The bill specifies that the current law "without unreasonable delay or travel" standard includes within the reasonable appointment waiting time and travel distance standards established in regulation for mental health and SUD services.

The bill further specifies that if a carrier approves a member's request for a referral, the carrier may not require utilization review other than what would be required if the covered benefit were provided by a provider on the carrier's provider panel.

Mental Health and Substance Use Disorder Services

Under Chapters 271 and 272, a carrier must ensure that mental health and SUD services provided by a nonparticipating specialist or nonphysician specialist to which a member is referred are provided at no greater cost to the covered individual than if the services were provided by a participating provider. Each carrier must inform members of the procedure to request a referral to a specialist or nonphysician specialist. The Consumer Education and Advocacy Program must provide public education to inform consumers of such provisions. Chapters 271 and 272 also expanded the definition of "nonphysician specialist" to include a health care provider that is licensed as a behavioral health program. Chapters 271 and 272 terminate June 30, 2025.

The bill repeals the termination date of Chapters 271 and 272 and specifies that a carrier must ensure that the mental health and SUD services are provided *for the duration of the treatment plan* at no greater cost to the covered individual than if the services were provided by a participating provider.

Furthermore, under the bill, if a member cannot access mental health or SUD services through the referral procedure, a carrier must provide additional assistance to the member in identifying and arranging coverage of mental health or SUD services by a nonparticipating specialist or nonphysician specialist.

Small Business Effect: Small business health care practitioners or practices that are nonparticipating providers (including those licensed as a behavioral health program) may serve additional patients under the bill.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 11 (Delegate Sample-Hughes, *et al.*) - Health and Government Operations.

Information Source(s): Department of Budget and Management; Maryland Department of Health; Maryland Insurance Administration; Department of Legislative Services

Fiscal Note History: First Reader - February 6, 2025
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