

~~(C) THE COMMISSIONER SHALL ADOPT REGULATIONS THAT:~~

~~(1) REQUIRE THE SEGREGATED FUND TO CONTAIN A SUFFICIENT AMOUNT TO SATISFY THE OBLIGATIONS OF THE CONTRACTING PROVIDER TO EXTERNAL PROVIDERS FOR SERVICES RENDERED TO MEMBERS OF THE HEALTH MAINTENANCE ORGANIZATION;~~

~~(2) SPECIFY THE METHODOLOGY FOR DETERMINING A SUFFICIENT AMOUNT TO BE HELD IN THE SEGREGATED FUND;~~

~~(3) PROVIDE THAT THE SEGREGATED FUND MAY INCLUDE WITHHELD FUNDS, ESCROW ACCOUNTS, LETTERS OF CREDIT, OR SIMILAR ARRANGEMENTS;~~

~~(4) REQUIRE AN ANNUAL REPORTING OF THE STATUS OF THE SEGREGATED FUND; AND~~

~~(5) REQUIRE THAT ANY CHANGES MADE TO AN ADMINISTRATIVE SERVICES PROVIDER CONTRACT SHALL BE REVIEWED BY THE COMMISSIONER TO DETERMINE THE SUFFICIENCY OF THE SEGREGATED FUND BASED ON THE CHANGES MADE TO THE ADMINISTRATIVE SERVICES PROVIDER CONTRACT.~~

~~(D) UPON THE BANKRUPTCY OR INSOLVENCY OF A CONTRACTING PROVIDER, THE SEGREGATED FUND CREATED UNDER THE REGULATIONS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION SHALL BE THE RESPONSIBILITY OF THE HEALTH MAINTENANCE ORGANIZATION OR THE LICENSED HEALTH SERVICES CONTRACTOR AND SHALL BE USED FOR PAYMENTS OWED BY THE CONTRACTING PROVIDER TO EXTERNAL PROVIDERS AND MAY NOT BE CONSIDERED TO BE AN ASSET OR ACCOUNT OF THE CONTRACTING PROVIDER.~~

~~(E) THE HEALTH MAINTENANCE ORGANIZATION OR THE LICENSED HEALTH SERVICES CONTRACTOR AND THE CONTRACTING PROVIDER SHALL COMPLY WITH THE PLAN.~~

~~(F) THE HEALTH MAINTENANCE ORGANIZATION OR THE LICENSED HEALTH SERVICES CONTRACTOR SHALL MONITOR THE CONTRACTING PROVIDER TO ASSURE COMPLIANCE WITH THE PLAN, AND THE HEALTH MAINTENANCE ORGANIZATION OR THE LICENSED HEALTH SERVICES CONTRACTOR SHALL NOTIFY THE CONTRACTING PROVIDER WHENEVER A FAILURE TO COMPLY WITH THE PLAN OCCURS.~~

~~(G) (1) UPON THE FAILURE OF A CONTRACTING PROVIDER TO COMPLY WITH THE PLAN FOLLOWING A NOTICE OF NONCOMPLIANCE, OR UPON A TERMINATION OF THE ADMINISTRATIVE SERVICE PROVIDER CONTRACT FOR ANY REASON, THE HEALTH MAINTENANCE ORGANIZATION OR LICENSED HEALTH SERVICES CONTRACTOR SHALL:~~

~~(i) BE FINANCIALLY AND ADMINISTRATIVELY RESPONSIBLE FOR PAYMENT DUE FROM THE CONTRACTING PROVIDER TO EXTERNAL PROVIDERS ON BEHALF OF THE CONTRACTING PROVIDER; AND~~

~~(ii) MAKE ALL PAYMENTS TO EXTERNAL PROVIDERS IN ACCORDANCE WITH THE REQUIREMENTS OF § 15-1005 OF THIS TITLE.~~