

~~(2) "AUTHORIZED REPRESENTATIVE" INCLUDES, IN AN EMERGENCY CASE, A HEALTH CARE PROVIDER WITH KNOWLEDGE OF THE MEMBER'S MEDICAL CONDITION.~~

~~[(e)] (D) "Carrier" means a person that offers a health benefit plan and is:~~

~~(1) an authorized insurer that provides health insurance in the State;~~

~~(2) a nonprofit health service plan;~~

~~(3) a health maintenance organization;~~

~~(4) a dental plan organization; or~~

~~(5) except for a managed care organization as defined in Title 15, Subtitle 1 of the Health General Article, any other person that provides health benefit plans subject to regulation by the State.~~

~~[(d)] (E) "Complaint" means a protest filed with the Commissioner involving an adverse decision or grievance decision concerning the member.~~

~~(F) (E) "DESIGNEE OF THE COMMISSIONER" MEANS ANY PERSON TO WHOM THE COMMISSIONER HAS DELEGATED THE AUTHORITY TO REVIEW AND DECIDE COMPLAINTS FILED UNDER THIS SUBTITLE, INCLUDING AN ADMINISTRATIVE LAW JUDGE TO WHOM THE AUTHORITY TO CONDUCT A HEARING HAS BEEN DELEGATED FOR RECOMMENDED OR FINAL DECISION.~~

~~(G) (1) "EMERGENCY CASE" MEANS ANY CLAIM OR REQUEST FOR MEDICAL CARE OR TREATMENT IN WHICH THE APPLICATION OF THE TIME PERIODS FOR MAKING NONEMERGENCY CASE DETERMINATIONS:~~

~~(I) IN THE JUDGMENT OF A PRUDENT LAYPERSON WHO POSSESSES AN AVERAGE KNOWLEDGE OF HEALTH AND MEDICINE, MAY SERIOUSLY JEOPARDIZE THE LIFE OR HEALTH OF THE MEMBER OR THE ABILITY OF THE MEMBER TO REGAIN MAXIMUM FUNCTION; OR~~

~~(II) IN THE OPINION OF A PHYSICIAN WITH KNOWLEDGE OF THE MEMBER'S MEDICAL CONDITION:~~

~~1. MAY SERIOUSLY JEOPARDIZE THE LIFE OR HEALTH OF THE MEMBER OR THE ABILITY OF THE MEMBER TO REGAIN MAXIMUM FUNCTION; OR~~

~~2. MAY SUBJECT THE MEMBER TO SEVERE PAIN THAT CANNOT BE ADEQUATELY MANAGED WITHOUT THE CARE OR TREATMENT THAT IS THE SUBJECT OF THE CLAIM OR REQUEST.~~

~~(2) "EMERGENCY CASE" DOES NOT INCLUDE A RETROSPECTIVE DENIAL OF HEALTH CARE SERVICES.~~

~~[(e)] (H) (F) "Grievance" means a protest filed by a member or [a health care provider on behalf of a member] AN AUTHORIZED REPRESENTATIVE with a carrier through the carrier's internal grievance process regarding an adverse decision concerning the member.~~