

(9) Certification by the private review agent that the criteria and standards to be used in conducting utilization review are:

- (i) Objective;
- (ii) Clinically valid;
- (iii) Compatible with established principles of health care; and
- (iv) Flexible enough to allow deviations from norms when justified on a case by case basis.

(b) At least 10 days before a private review agent requires any revisions or modifications to the specific criteria and standards to be used in conducting utilization review of proposed or delivered services, the private review agent shall submit those revisions or modifications to the [Secretary] COMMISSIONER.

~~(C)~~ (E) IT SHALL CONSTITUTE A VIOLATION OF THIS SUBTITLE IF THE COMMISSIONER, IN CONSULTATION WITH AN INDEPENDENT REVIEW ORGANIZATION, MEDICAL EXPERT, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, OR OTHER APPROPRIATE ENTITY, DETERMINES THAT THE CRITERIA AND STANDARDS USED IN CONDUCTING UTILIZATION REVIEW ARE NOT:

- (1) OBJECTIVE;
- (2) CLINICALLY VALID;
- (3) COMPATIBLE WITH ESTABLISHED PRINCIPLES OF HEALTH CARE; OR
- (4) FLEXIBLE ENOUGH TO ALLOW DEVIATIONS FROM NORMS WHEN JUSTIFIED ON A CASE BY CASE BASIS.

15-10B-06.

(a) In this section, "utilization review" means a system for reviewing the appropriate and efficient allocation of health care resources and services given or proposed to be given to a patient or group of patients by a health care provider, including a hospital or an intermediate care facility described under § 8-403(e) of [this article] THE HEALTH - GENERAL ARTICLE.

(e) (1) In the event a patient or health care provider, including a physician, intermediate care facility described under § 8-403(e) of [this article] THE HEALTH - GENERAL ARTICLE, or hospital seeks reconsideration or appeal of an adverse decision by a private review agent, the final determination of the appeal of the adverse decision shall be made based on the professional judgment of a physician, or a panel of other appropriate health care providers with at least 1 physician, selected by the private review agent who is:

- (i) 1. Board certified or eligible in the same specialty as the treatment under review; or
- 2. Actively practicing or has demonstrated expertise in the alcohol, drug abuse, or mental health service or treatment under review; and