

HELD.

(2) AFTER A HEARING OR UPON FAILURE OF THE ACCUSED TO APPEAR AT THE HEARING, THE COMMISSIONER, IN ACCORDANCE WITH JOINT INTERNAL ADMINISTRATIVE RULES AND PROCEDURES, SHALL IMPOSE ANY OF THE ABOVE PENALTIES DEEMED ADVISABLE.

(C) IF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE TAKES ACTION UNDER SECTION 849 (B) (4) OF THIS SUBTITLE, WHICH OBLIGATES THE COMMISSIONER TO TAKE ACTION IN ANY OR ALL OF THE WAYS PROVIDED BY THIS SECTION, THE AGGRIEVED PARTY MAY APPEAL AS PROVIDED BY SECTIONS 255 AND 256 OF ARTICLE 41 OF THIS CODE, THE ADMINISTRATIVE PROCEDURE ACT, INsofar AS THE APPEAL PERTAINS TO THE ACTION OF THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.

851.

NO HEALTH MAINTENANCE ORGANIZATION MAY BE PREVENTED FROM SOLICITING MEMBERS THROUGH ADVERTISING ITS SERVICES, CHARGES OR OTHER NONPROFESSIONAL ASPECTS OF ITS OPERATION. HOWEVER, THIS SECTION MAY NOT BE CONSTRUED TO AUTHORIZE ANY ADVERTISING WHICH IDENTIFIES, REFERS TO, OR MAKES ANY QUALITATIVE JUDGMENT CONCERNING ANY HEALTH PROFESSIONAL WHO PROVIDES SERVICES FOR A HEALTH MAINTENANCE ORGANIZATION.

852.

NO HEALTH MAINTENANCE ORGANIZATION MAY CANCEL THE ENROLLMENT OF A MEMBER OR REFUSE TO TRANSFER A MEMBER FROM A GROUP TO AN INDIVIDUAL BASIS FOR REASONS RELATING TO AGE, SEX, RACE, OR HEALTH STATUS. HOWEVER, NOTHING CONTAINED HEREIN MAY PREVENT CANCELLATION OF A CONTRACT WITH MEMBERS WHO VIOLATE ANY PUBLISHED POLICIES OF THE ORGANIZATION WHICH HAVE BEEN APPROVED BY THE COMMISSIONER AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IN ACCORDANCE WITH THEIR JOINT INTERNAL ADMINISTRATIVE RULES AND PROCEDURES.

853.

(A) (1) NO HEALTH MAINTENANCE ORGANIZATION MAY INCLUDE IN ITS NAME THE WORDS "INSURER", "CASUALTY", "SURETY", "HEALTH AND ACCIDENT" OR ANY WORDS GENERALLY REGARDED AS DESCRIPTIVE OF THE INSURANCE INDUSTRY.

(2) THIS PROVISION DOES NOT APPLY TO AN INSURER OR HEALTH SERVICE CORPORATION LICENSED AND REGULATED PURSUANT TO THE LAWS OF THIS STATE, EXCEPT WITH RESPECT TO ITS HEALTH MAINTENANCE ORGANIZATION ACTIVITIES AUTHORIZED AND REGULATED PURSUANT TO THIS SUBTITLE.