

(7) Any rebate received by a managed care organization may not be considered part of the loss ratio of the managed care organization.

(8) IF THE SECRETARY OF HEALTH AND MENTAL HYGIENE ADJUSTS CAPITATION PAYMENTS FOR A MANAGED CARE ORGANIZATION OR A CERTIFIED HEALTH MAINTENANCE ORGANIZATION UNDER PARAGRAPH (5) OF THIS SUBSECTION, THE MANAGED CARE ORGANIZATION OR CERTIFIED HEALTH MAINTENANCE ORGANIZATION MAY:

(I) APPEAL ~~THAT~~ THE DECISION OF THE SECRETARY TO THE BOARD OF REVIEW ESTABLISHED UNDER TITLE 2, SUBTITLE 2 OF THE HEALTH - GENERAL ARTICLE; AND

(II) TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

Article - Health - General

2-207.

(a) If any person is aggrieved by any decision, action, or inaction on the part of the Secretary or of any unit in the Department for which an appeal to the Board is provided by this subtitle, that person is entitled to appeal as provided in this section.

(b) Except as provided in subsection (e)(2) of this section, before beginning an appeal, the person aggrieved shall make known the basis of the complaint to the individual responsible for the decision, action, or inaction complained of, together with a request for review. If, within 30 days after the request, a resolution satisfactory to the complainant does not occur, the complainant may file a statement of complaint in accordance with subsection (c) of this section.

(c) The complainant shall file a detailed written statement of the complaint and all relevant facts and circumstances with the chief executive officer of the Department or unit in the Department to which application for review is made. If there is no chief executive officer, the statement may be filed with any member of the unit's governing body. The complaint shall be acknowledged promptly in writing, and a copy of the complaint and acknowledgment shall be sent to the Secretary.

(d) (1) The Department or unit then shall investigate the complaint. Subject to extensions of time to which the parties may agree, the Department or unit shall give a written decision and send a copy of it to the complainant within 30 days after the filing of the complaint.

(2) A record shall be kept of each complaint and its disposition. The record shall be open to public inspection during regular business hours.

(e) (1) If the matter is one for which an appeal to the Board is provided by this subtitle, a complainant aggrieved by an adverse decision or action or by inaction within the time required by subsection (d) of this section may file an appeal to the Board.