

(5)-(3) IF A PREFERRED PROVIDER POLICY OR PREFERRED PROVIDER CONTRACT PROVIDES FOR REIMBURSEMENT FOR ANY SERVICE THAT IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A HEALTH CARE PROVIDER LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE, ANY PARTICIPANT, BENEFICIARY, OR OTHER PERSON COVERED BY THE INSURANCE POLICY OR INSURANCE CONTRACT SHALL BE ENTITLED TO REIMBURSEMENT FOR THAT SERVICE.

(6)--(4) PREFERRED PROVIDER POLICIES OR PREFERRED PROVIDER CONTRACTS OFFERED UNDER THIS SECTION SHALL PROVIDE FOR PAYMENT OF SERVICES RENDERED BY NONPREFERRED PROVIDERS UNLESS THE INSURER DEMONSTRATES TO THE SATISFACTION OF THE INSURANCE COMMISSIONER THAT AN ALTERNATIVE LEVEL OF PAYMENT IS MORE APPROPRIATE UNDER THE CIRCUMSTANCES, ANY PAYMENT MADE UNDER THIS PARAGRAPH MAY NOT BE LESS THAN 80% OF THE AVERAGE-PAYMENTS AMOUNT THAT WOULD HAVE BEEN PAID TO PREFERRED PROVIDERS FOR SIMILAR SERVICES IN THE SAME GEOGRAPHIC AREA.

(C) IF THE RATES FOR EACH INSTITUTIONAL PROVIDER UNDER A PREFERRED PROVIDER POLICY OR PREFERRED PROVIDER CONTRACT VARY BASED UPON INDIVIDUAL NEGOTIATIONS, GEOGRAPHIC DIFFERENCES, OR MARKET CONDITIONS AND ARE APPROVED BY THE HEALTH SERVICES COST REVIEW COMMISSION, THE RATES MAY NOT BE DEEMED TO CONSTITUTE UNFAIR DISCRIMINATION UNDER THIS ARTICLE.

(D) THIS SECTION DOES NOT APPLY TO ANY EMPLOYEE BENEFIT PLAN REGULATED BY FEDERAL LAW OR BY THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974 (ERISA).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1985.

Approved May 28, 1985.

CHAPTER 727

(Senate Bill 300)

AN ACT concerning

Regulatory Review and Evaluation Act

FOR--the-purpose-of-creating-the-Regulatory-Review-and-Evaluation Act-to-provide-for-periodic-joint-executive-and--legislative review--and--evaluation--of--existing--regulations,--defining certain-terms,--making--certain--findings--and--stating--the purposes---of---this--Act,--requiring--the--Governor,--after consultation-with-the--Joint--Committee--on--Administrative, Executive,--and--Legislative-Review,--to-provide-by-Executive Order-for-the-review-and-evaluation-of-existing-regulations,