

WHEREAS, Licensing dietitians will protect the health, safety, and welfare of the public by ~~excluding~~ discouraging incompetent and untrained practitioners; and

WHEREAS, Licensing dietitians will increase the availability of nutrition services in the community by clarifying the legal status of the dietitian as a consultant and referral source for other health care providers, and licensing dietitians will assure that qualified persons provide reimbursable services, as occurs in hospice care; and

WHEREAS, Adequate preventive diet counseling by licensed dietitians will contribute to the curtailment of unnecessary health costs by decreasing hospital stays and expenditures of public funds such as Medicare and Medicaid; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article 48A - Insurance Code

354Z.

(A) Notwithstanding any provision of a group or individual policy or contract issued by a nonprofit health service plan, or any certificate issued thereunder, of health, sickness, accident, or disability insurance, delivered or issued for delivery within the State, whenever such policy, contract, or certificate provides for reimbursement for any service which is within the lawful scope of practice of a health care provider duly licensed under the Health Occupations Article, the insured, or any other person covered by the policy, contract, or certificate, shall be entitled to reimbursement for such service. The provisions of this section apply to all such policies, contracts, or certificates issued, renewed, modified, altered, amended, or reissued on or after July 1, 1984.

(B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, UNLESS THE POLICY, CONTRACT, OR CERTIFICATE EXPRESSLY PROVIDES FOR REIMBURSEMENT FOR ANY SERVICE WHICH IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A DIETITIAN LICENSED UNDER THE HEALTH OCCUPATIONS ARTICLE, THE PROVISIONS OF TITLE 4.5 OF THE HEALTH OCCUPATIONS ARTICLE GOVERNING THE LICENSING AND REGULATION OF DIETITIANS MAY NOT BE CONSTRUED TO ENTITLE THE INSURED OR ANY OTHER PERSON COVERED BY THE POLICY, CONTRACT, OR CERTIFICATE TO REIMBURSEMENT FOR ANY SERVICE WHICH IS WITHIN THE LAWFUL SCOPE OF PRACTICE OF A LICENSED DIETITIAN.

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(A) Notwithstanding any provision of a group or individual policy or contract, including profit and nonprofit health plans, or any certificate issued thereunder, of health, sickness, accident, or disability insurance, delivered or issued for