

VETOES

(I) THE PROCEDURES AND POLICIES OF THE PRIVATE REVIEW AGENT WILL PROTECT THE CONFIDENTIALITY OF MEDICAL RECORDS IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAWS; AND

(II) THE PRIVATE REVIEW AGENT WILL BE ACCESSIBLE TO PATIENTS AND PROVIDERS IN THIS STATE 5 WORKING DAYS A WEEK DURING NORMAL BUSINESS HOURS.

(B) THE DEPARTMENT MAY REVOKE A CERTIFICATE IF THE HOLDER DOES NOT COMPLY WITH PERFORMANCE ASSURANCES REQUIRED UNDER THIS SECTION OR FOR A VIOLATION OF THIS SUBTITLE OR ANY APPLICABLE REGULATIONS.

(C) (1) BEFORE DENYING OR REVOKING A CERTIFICATE UNDER THIS SUBTITLE, THE DEPARTMENT SHALL PROVIDE THE APPLICANT OR CERTIFICATE HOLDER WITH REASONABLE TIME TO SUPPLY OTHER INFORMATION DEMONSTRATING COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE AND THE OPPORTUNITY TO REQUEST A HEARING.

(D) SUBJECT TO THE HEARING PROVISIONS OF THIS SUBTITLE, THE DEPARTMENT MAY REPRIMAND OR REVOKE OR SUSPEND THE CERTIFICATION OF ANY PRIVATE REVIEW AGENT THAT:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A CERTIFICATION;

(2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATION;

(3) FAILS TO MEET SUBSTANTIALLY THE STANDARDS AND QUALIFICATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE; OR

(4) FAILS TO COMPLY WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE.

19-1308.

(A) BEFORE THE DEPARTMENT TAKES ANY ACTION UNDER § 19-1307 OF THIS SUBTITLE, THE DEPARTMENT SHALL GIVE THE PRIVATE REVIEW AGENT AGAINST WHICH THE ACTION IS CONTEMPLATED:

(1) WRITTEN NOTICE, BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, OF THE CHARGES FILED AGAINST IT AT LEAST 30 DAYS BEFORE THE HEARING; AND

(2) AN OPPORTUNITY FOR A HEARING BEFORE THE SECRETARY.

(B) THE SECRETARY SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

19-1309.