

WILLIAM DONALD SCHAEFER, Governor

(E) IN ADDITION TO THE COMMISSIONER'S AUTHORITY UNDER ARTICLE 48A, SUBTITLE 10 OF THE CODE, THE COMMISSIONER AS A LIQUIDATOR MAY, SUBJECT TO APPROVAL BY A COURT:

(1) CONTRACT WITH A SOLVENT HEALTH MAINTENANCE ORGANIZATION OR OTHER APPROPRIATE ENTITY TO OPERATE THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION, INCLUDING THE PROVISION OF MEDICAL CARE, ON A SHORT-TERM BASIS;

(2) OPERATE THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION, WHICH MAY INCLUDE COMPENSATING HEALTH CARE PROVIDERS IN ACCORDANCE WITH THE TERMS OF THE HEALTH CARE PROVIDER'S CONTRACT WITH THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION;

(3) (I) DIRECT ALL OTHER HEALTH MAINTENANCE ORGANIZATIONS THAT PARTICIPATED IN AN OPEN ENROLLMENT PROCESS WITH THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION AT A GROUP'S LAST REGULAR OPEN ENROLLMENT PERIOD TO OFFER ENROLLEES OR SUBSCRIBERS OF THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION A 30-DAY OPEN ENROLLMENT PERIOD TO BEGIN ON THE DATE OF THE INSOLVENCY;

(II) EACH HEALTH MAINTENANCE ORGANIZATION DIRECTED TO OFFER ENROLLEES OR SUBSCRIBERS OF THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION A 30-DAY OPEN ENROLLMENT PERIOD SHALL OFFER THE ENROLLEES OF THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION THE SAME COVERAGE AND RATES THAT IT OFFERED THE ENROLLEES AT THE LAST REGULAR OPEN ENROLLMENT PERIOD;

(4) (I) EQUITABLY ALLOCATE THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION'S GROUP CONTRACTS OF THOSE GROUPS NOT OFFERED OTHER COVERAGE UNDER PARAGRAPH (3) OF THIS SUBSECTION, AMONG ALL HEALTH MAINTENANCE ORGANIZATIONS OPERATING WITHIN A PORTION OF THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION'S SERVICE AREA;

(II) BEFORE ALLOCATING THE GROUP CONTRACTS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER SHALL CONSIDER THE HEALTH CARE DELIVERY SYSTEM AND FINANCIAL RESOURCES OF ALL POSSIBLE SUCCESSOR HEALTH MAINTENANCE ORGANIZATIONS;

(III) EACH HEALTH MAINTENANCE ORGANIZATION ALLOCATED A GROUP OR GROUPS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL OFFER THE GROUP OR GROUPS THE HEALTH MAINTENANCE ORGANIZATION'S EXISTING COVERAGE WHICH IS MOST SIMILAR TO EACH GROUP'S COVERAGE WITH THE INSOLVENT HEALTH MAINTENANCE ORGANIZATION AT RATES DETERMINED IN ACCORDANCE WITH THE SUCCESSOR HEALTH MAINTENANCE ORGANIZATION'S EXISTING RATE METHODOLOGY;

(IV) ANY ENROLLEE OR SUBSCRIBER WHOSE GROUP COVERAGE HAD TERMINATED PRIOR TO THE DATE OF THE INSOLVENCY AND