

WILLIAM DONALD SCHAEFER, Governor

(i) A member of an insolvent health maintenance organization; or

(ii) Against any individual, organization, or government agency which has made payments to the health maintenance organization on behalf of a member.

(2) Notwithstanding paragraph (1) of this subsection, a health care provider may assert any claim it may have against the receiver of the insolvent health maintenance organization.

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(h) ~~(1)~~ (1) The terms of the agreements between a health maintenance organization and providers of health services shall contain a "hold harmless" clause.

~~(2)~~ (2) The hold harmless clause shall provide that the provider may not, under any circumstances, including nonpayment of moneys due the providers by the health maintenance organization, insolvency of the health maintenance organization, or breach of the provider contract, bill, charge, collect a deposit, seek compensation, remuneration, or reimbursement from, or have any recourse against the subscriber, member, enrollee, patient, or any persons other than the health maintenance organization acting on their behalf, for services provided in accordance with the provider contract.

~~(3)~~ (3) Collection from the subscriber or member of copayments or supplemental charges in accordance with the terms of the subscriber's contract with the health maintenance organization, or charges for services not covered under the subscriber's contract, may be excluded from the hold harmless clause.

~~(4)~~ (4) Each provider contract shall state that the hold harmless clause will survive the termination of the provider contract, regardless of the cause of termination.-}

~~(1)~~ (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, INDIVIDUAL ENROLLEES AND SUBSCRIBERS OF HEALTH MAINTENANCE ORGANIZATIONS SHALL NOT BE LIABLE TO ANY HEALTH CARE PROVIDER FOR ANY COVERED SERVICES PROVIDED TO THE ENROLLEE OR SUBSCRIBER.

~~(2)~~ (2) A HEALTH CARE PROVIDER OR ANY REPRESENTATIVE OF A HEALTH CARE PROVIDER MAY NOT COLLECT OR ATTEMPT TO COLLECT FROM ANY SUBSCRIBER OR ENROLLEE ANY MONEY OWED BY THE HEALTH MAINTENANCE ORGANIZATION TO THE HEALTH CARE PROVIDER.