

(C) EVERY GROUP OR INDIVIDUAL POLICY ISSUED FOR DELIVERY IN THE STATE WHICH PROVIDES COVERAGE FOR HEALTH CARE SERVICES SHALL INCLUDE A PROVISION EXCLUDING PAYMENT OF ANY CLAIM, BILL, OR OTHER DEMAND OR REQUEST FOR PAYMENT FOR HEALTH CARE SERVICES DETERMINED TO BE FURNISHED AS A RESULT OF A REFERRAL PROHIBITED BY § 1-302 OF THE HEALTH OCCUPATIONS ARTICLE.

(D) A HEALTH INSURER SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL REPORT TO THE COMMISSIONER AND THE APPROPRIATE REGULATORY BOARD ANY PATTERN OF CLAIMS, BILLS OR OTHER DEMANDS OR REQUESTS FOR PAYMENT SUBMITTED FOR A HEALTH CARE SERVICE PROVIDED AS A RESULT OF A REFERRAL PROHIBITED BY § 1-302 OF THE HEALTH OCCUPATIONS ARTICLE WITHIN 30 DAYS AFTER THAT INSURER HAS KNOWLEDGE OF THAT PATTERN.

(E) (1) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, AN INSURER REIMBURSING FOR HEALTH CARE SERVICES IS NOT REQUIRED TO AUDIT OR INVESTIGATE ANY CLAIM, BILL, OR OTHER DEMAND OR REQUEST FOR PAYMENT FOR THE PURPOSE OF DETERMINING WHETHER THOSE SERVICES WERE THE RESULT OF A PROHIBITED REFERRAL.

(2) ANY AUDIT OR INVESTIGATION OF ANY CLAIM, BILL, OR OTHER DEMAND OR REQUEST FOR PAYMENT FOR THE PURPOSE OF DETERMINING WHETHER THOSE SERVICES WERE THE RESULT OF A PROHIBITED REFERRAL ARE NOT GROUNDS TO DELAY PAYMENT OR WAIVE THE PROVISIONS OF § 477AA OF THIS ARTICLE.

(F) FOR ANY CLAIM, BILL, OR REQUEST FOR PAYMENT THAT IS PAID AND SUBSEQUENTLY DETERMINED TO BE THE RESULT OF A PROHIBITED REFERRAL, AN INSURER MAY SEEK A REFUND OF THAT PAYMENT IN ACCORDANCE WITH THE PROVISIONS OF § 1-305 OF THE HEALTH OCCUPATIONS ARTICLE.

SECTION 3. AND BE IT FURTHER ENACTED, That notwithstanding the provisions of § 1-302 of the Health Occupations Article, a health care practitioner who has *established* a beneficial interest in or compensation arrangement with a health care entity ~~prior to~~ *after* January 1, 1993 to which the practitioner makes referrals that are prohibited by Section 2 of this Act shall have 1 year from the effective date of this Act to dispose of that beneficial interest or terminate the compensation arrangement if the health care practitioner plans to continue to make patient referrals to that health care entity after October 1, 1994. *A health care practitioner who makes referrals under this section between October 1, 1993 and October 1, 1994 shall comply with the disclosure provisions of § 1-303(b) and the penalty provisions of § 1-303(d) of the Health Occupations Article.*

~~SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of § 1-302 of the Health Occupations Article do not apply to:~~

~~(a) A neurology group practice that contains three or more full-time radiologists who are partners in a group practice with neurologists which was in existence on or before December 30, 1988 provided that the neurology group practice does not expand its facilities beyond the number of locations in existence in the State on January 1, 1993; or~~