

~~(6) EXCEPT IN A SITUATION WHERE ONLY ONE PROVIDER CLASS IS LICENSED TO PROVIDE A PARTICULAR SERVICE, A CARRIER MAY NOT LIMIT A PROVIDER PANEL EXCLUSIVELY TO A SPECIFIC PROVIDER CLASS.~~

~~(7) (I) A CARRIER MAY RESTRICT PARTICIPATION IN ITS PROVIDER PANEL ON THE BASIS THAT IT HAS A SUFFICIENT NUMBER OF PROVIDERS ONLY IF THE CARRIER DEMONSTRATES TO THE SATISFACTION OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE THAT WITH SUCH A PROVIDER LIMITATION THE CARRIER IS ABLE TO ADEQUATELY ADDRESS THE HEALTH CARE NEEDS OF ENROLLEES IN A TIMELY MANNER.~~

~~(II) AN ENROLLEE MAY FILE A COMPLAINT WITH THE SECRETARY OF HEALTH AND MENTAL HYGIENE CONCERNING THE ADEQUACY AND TIMELINESS OF THE DELIVERY OF CARE BY A PROVIDER PANEL THAT RESTRICTS PARTICIPATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(E) (1) (I) EACH CARRIER SUBJECT TO THIS SECTION SHALL PROVIDE AN INTERNAL MECHANISM THROUGH WHICH A PROVIDER WHO IS REFUSED PARTICIPATION IN A PROVIDER PANEL OR TERMINATED FROM PARTICIPATION IN A PROVIDER PANEL MAY, ON THE PROVIDER'S WRITTEN REQUEST, OBTAIN A REVIEW OF THE MANNER IN WHICH THE CARRIER'S CRITERIA HAVE BEEN APPLIED IN CONNECTION WITH THE PROVIDER.~~

~~(II) A REVIEW UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE PROVIDED BY A COMMITTEE THAT SHALL INCLUDE A MAJORITY OF PROVIDERS WHO ARE ACTIVELY ENGAGED IN THE PRACTICE OF THE SPECIALTY OF THE PROVIDER.~~

~~(III) A CARRIER SHALL PROVIDE A REVIEW UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH WITHIN 30 DAYS AFTER THE REQUEST IS MADE.~~

~~(2) THE FAILURE OF A CARRIER TO PROVIDE THE REVIEW WITHIN 30 DAYS AFTER THE REQUEST IS MADE SHALL BE DEEMED AN ACCEPTANCE BY THE CARRIER OF THE PROVIDER ON THE CARRIER'S PROVIDER PANEL.~~

~~(3) A WRITTEN NOTICE OF THE COMMITTEE'S DECISION SHALL BE GIVEN TO THE PROVIDER WITHIN 15 DAYS OF THE REVIEW HEARING.~~

~~(F) THIS SECTION DOES NOT PROHIBIT A CARRIER FROM:~~

~~(1) REQUIRING PREAUTHORIZATION OR UTILIZATION REVIEW; OR~~

~~(2) ESTABLISHING REASONABLE PROFESSIONAL QUALIFICATIONS APPLICABLE TO ALL PROVIDERS OF THE SAME TYPE, PROFESSION, AND SPECIALTY.~~

~~(G) (1) THE MARKETING MATERIALS OF A CARRIER SHALL LIST MEMBERS OF THIS PROVIDER PANEL AND SHALL BE UPDATED IMMEDIATELY PRIOR TO THE DISTRIBUTION OF MARKETING MATERIALS FOR AN OPEN ENROLLMENT PERIOD, BUT AT LEAST ONCE A YEAR.~~