

(3) The final decision on the type of external review that is to be employed rests solely with the [Department] SECRETARY.

(4) The external review shall consist of a review and evaluation of:

- (i) An internal peer review system and reports;
- (ii) The program plan of the health maintenance organization to determine if it is adequate and being followed;
- (iii) The professional standards and practices of the health maintenance organization in every area of services provided;
- (iv) The grievances relating specifically to the delivery of medical care, including their final disposition;
- (v) The physical facilities and equipment; and
- (vi) A statistically representative sample of member records.

~~(5) (F) THE SECRETARY MAY WAIVE THE APPLICATION OF THIS SUBSECTION TO A HEALTH MAINTENANCE ORGANIZATION THAT HAS BEEN ACCREDITED BY A NATIONALLY RECOGNIZED ACCREDITING ENTITY, IF THE SECRETARY DETERMINES THAT THE STANDARDS OF THE EXTERNAL REVIEW ORGANIZATION ARE SUBSTANTIALLY EQUIVALENT TO THE STATE'S REQUIREMENTS FOR HEALTH MAINTENANCE ORGANIZATIONS UNDER THIS SUBTITLE.~~

~~(H) THE HEALTH MAINTENANCE ORGANIZATION SHALL:~~

~~1. SUBMIT COPIES OF ITS APPLICATION FOR ACCREDITATION, ITS INITIAL ACCREDITATION CERTIFICATION, AND SUBSEQUENT APPLICATIONS AND RECERTIFICATIONS; AND~~

~~2. MAKE AVAILABLE FOR INSPECTION BY THE SECRETARY A FINAL REPORT ISSUED BY THE NATIONALLY RECOGNIZED ACCREDITING ENTITY THAT THE SECRETARY HAS DETERMINED MEETS THE STATE'S STANDARDS FOR HEALTH MAINTENANCE ORGANIZATIONS UNDER THIS SUBTITLE.~~

~~(H) IN ADDITION TO INFORMATION REQUIRED UNDER SUBPARAGRAPH (H) OF THIS PARAGRAPH, THE HEALTH MAINTENANCE ORGANIZATION SHALL SUBMIT TO THE DEPARTMENT AND MAKE AVAILABLE TO THE PUBLIC A COPY OF ANY SUMMARY REPORTS MADE BY THE NATIONALLY RECOGNIZED ACCREDITING ENTITY THAT HAS BEEN DETERMINED BY THE SECRETARY TO MEET THE STATE'S STANDARDS FOR HEALTH MAINTENANCE ORGANIZATIONS UNDER THIS SUBTITLE.~~

~~(IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS PARAGRAPH, ALL INFORMATION AND DOCUMENTS AND COPIES OBTAINED BY OR DISCLOSED TO THE SECRETARY, OR ANY OTHER PERSON, IN THE COURSE OF AN EXAMINATION OR INVESTIGATION MADE FOR PURPOSES OF SUBPARAGRAPH (F) OF THIS PARAGRAPH ARE CONFIDENTIAL AND ARE NOT SUBJECT TO SUBPOENA AND MAY NOT BE MADE PUBLICLY AVAILABLE BY THE SECRETARY OR ANY OTHER~~