

PROPOSED ACT OR PRACTICE OF A CORPORATION AUTHORIZED UNDER THIS SUBTITLE THAT MAINTAINS OR OPERATES A NONPROFIT HEALTH SERVICE PLAN IS IN VIOLATION OF SUBSECTION (B) OF THIS SECTION OR TITLE 27 OF THIS ARTICLE, THE BURDEN OF PERSUASION IS ON THE CORPORATION TO SHOW THAT THE ACT OR PRACTICE OR PROPOSED ACT OR PRACTICE IS NOT IN VIOLATION OF SUBSECTION (B) OF THIS SECTION OR TITLE 27 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 354A-1(c).

As to the substitution of the references to a corporation "authorized under this subtitle" for the former references to a corporation "required to be licensed under any section of this subtitle" and a corporation "licensed under any section of this subtitle" in subsections (b) and (c) of this section, respectively, see the General Revisor's Note to this subtitle.

In the introductory language of subsection (b) of this section, the former phrase "[i]n addition to the requirements of paragraph (1) of this subsection" is deleted as unnecessary in light of subsection (a) of this section, which clearly states that nonprofit health service plans are subject to Title 27 of this article.

In subsection (b)(3) of this section, the words "subscriber or certificate holder" are substituted for the former word "member" for accuracy and consistency with terminology used elsewhere in this subtitle.

In subsection (c) of this section, the former word "particular", which modified "act or practice", is deleted as surplusage.

Defined terms: "Commissioner" § 1-101

"Person" § 1-101

"Policy" § 1-101

#### 14-137. EXCLUSION OF COVERAGE FOR VIOLATIONS.

A NONPROFIT HEALTH SERVICE PLAN MAY NOT ISSUE, RENEW, OR DELIVER AN INDIVIDUAL OR GROUP CONTRACT IN THE STATE THAT EXCLUDES COVERAGE FOR HOSPITAL OR MEDICAL EXPENSES BASED ON A VIOLATION OF:

- (1) A PROVISION OF TITLE 21 OF THE TRANSPORTATION ARTICLE; OR
- (2) A PROVISION OF THE NATURAL RESOURCES ARTICLE.

REVISOR'S NOTE: This section formerly was Art. 48A, § 354-II.

The only changes are in style.

#### 14-138. DISCLOSURE OF MEDICAL INFORMATION.

- (A) PROHIBITED.

EXCEPT AS PROVIDED IN SUBSECTIONS (B), (C), OR (D) OF THIS SECTION, A NONPROFIT HEALTH SERVICE PLAN OR BLUE CROSS OR BLUE SHIELD PLAN MAY