

~~(2) THE MEMBER IS IN THE MIDST OF A COURSE OF TREATMENT WITH THE PRESCRIPTION DRUG OR DEVICE THAT IS NOT IN THE FORMULARY, OR~~

~~(3) AN EQUIVALENT PRESCRIPTION DRUG OR DEVICE IN THE ENTITY'S FORMULARY:~~

~~(I) HAS BEEN INEFFECTIVE IN TREATING THE DISEASE OR CONDITION OF THE MEMBER; OR~~

~~(II) HAS CAUSED OR IS LIKELY TO CAUSE AN ADVERSE REACTION OR OTHER HARM TO THE MEMBER.~~

~~(E) A MEMBER WHO OBTAINS A PRESCRIPTION DRUG OR DEVICE UNDER THIS SECTION MAY NOT BE REQUIRED TO PAY ANY FEE OR COPAYMENT OTHER THAN THAT REQUIRED FOR A PRESCRIPTION DRUG OR DEVICE IN THE FORMULARY.~~

~~(F) A DECISION BY A CARRIER TO NOT PROVIDE ACCESS TO OR COVERAGE OF A PRESCRIPTION DRUG OR DEVICE UNDER THE PROCEDURE REQUIRED UNDER THIS SECTION CONSTITUTES AN ADVERSE DECISION AS DEFINED UNDER SUBTITLE 10A OF THIS TITLE.~~

(E) A DECISION BY AN ENTITY SUBJECT TO THIS SECTION NOT TO PROVIDE ACCESS TO OR COVERAGE OF A PRESCRIPTION DRUG OR DEVICE IN ACCORDANCE WITH THIS SECTION CONSTITUTES AN ADVERSE DECISION AS DEFINED UNDER SUBTITLE 10A OF THIS TITLE IF THE DECISION IS BASED ON A FINDING THAT THE PROPOSED DRUG OR DEVICE IS NOT MEDICALLY NECESSARY, APPROPRIATE, OR EFFICIENT.

15-10A-09.

(b) In addition to the requirements of subsection (a) of this section, [on or before January 1, 1999,] the Commissioner shall adopt by regulation a requirement that each carrier provide a mechanism in a form and manner that the Commissioner may require to enable a member to:

(1) be informed of the member's right to challenge a decision made by a carrier that resulted in the nonpayment of a health care service; AND

(2) ACCESS THE CONSUMER EDUCATION AND ADVOCACY PROGRAM IN THE ADMINISTRATION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Insurance

15-831.

(A) IN THIS SECTION, "MASTECTOMY" MEANS THE SURGICAL REMOVAL OF ALL OR PART OF A BREAST AS A RESULT OF BREAST CANCER

(B) THIS SECTION APPLIES TO: