

reimbursement or attempt in any manner to retroactively collect reimbursement already paid to a health care provider by reducing reimbursements currently owed to the health care provider, withholding future reimbursement, or in any other manner affecting the future reimbursement to the health care provider.

(d) (1) The provisions of subsection (b)(1) of this section do not apply if:

(I) a carrier retroactively denies reimbursement to a health care provider because the information submitted to the carrier was fraudulent or improperly coded; AND

(II) IN THE CASE OF IMPROPER CODING, THE CARRIER HAS PROVIDED TO THE HEALTH CARE PROVIDER SUFFICIENT INFORMATION REGARDING THE CODING GUIDELINES USED BY THE CARRIER AT LEAST 30 DAYS PRIOR TO THE DATE THE SERVICES SUBJECT TO THE RETROACTIVE DENIAL WERE RENDERED.

(2) INFORMATION SUBMITTED TO THE CARRIER MAY BE CONSIDERED TO BE IMPROPERLY CODED UNDER PARAGRAPH (1) OF THIS SUBSECTION IF THE INFORMATION SUBMITTED TO THE CARRIER BY THE HEALTH-CARE PROVIDER:

(I) USES CODES THAT DO NOT CONFORM WITH THE CODING GUIDELINES USED BY THE CARRIER APPLICABLE AS OF THE DATE THE SERVICE OR SERVICES WERE RENDERED; OR

(II) DOES NOT OTHERWISE CONFORM WITH THE CONTRACTUAL OBLIGATIONS OF THE HEALTH CARE PROVIDER TO THE CARRIER APPLICABLE AS OF THE DATE THE SERVICE OR SERVICES WERE RENDERED.

(e) If a carrier retroactively denies reimbursement for services as a result of coordination of benefits under provisions of subsection (b)(1)(i) of this section, the health care provider shall have 6 months from the date of denial, unless a carrier permits a longer time period, to submit a claim for reimbursement for the service to the carrier, Maryland Medical Assistance Program, or Medicare Program responsible for payment.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to a retroactive denial based on improper coding issued on or after January 1, 2000, regardless of the date of the service subject to the retroactive denial.

SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 1999~~ January 1, 2000.

Approved April 27, 1999.