

(2) Criteria that the Secretary shall adopt by regulation for determining the appropriate level of investigation for a complaint concerning quality of care, including:

(i) A determination as to whether the member or subscriber with the complaint previously attempted to have the complaint resolved; and

(ii) A determination as to whether a complaint should be sent to the member's or subscriber's health maintenance organization for resolution prior to investigation under the provisions of this section; and

(3) A procedure for the referral of quality of care complaints to the Secretary for an appropriate investigation.

(c) If a determination is made to investigate a complaint under the provisions of this section prior to the member or subscriber attempting to otherwise resolve the complaint, the reasons for that determination shall be documented.

(d) Notice of the complaint system established under the provisions of this section shall be included in all contracts between a health maintenance organization and a member or subscriber of a health maintenance organization.

(e) For quality of care complaints referred to the Secretary for investigation under subsection (b)(3) of this section, the Secretary shall report to the Commissioner in a timely manner on the results and findings of each investigation.

19-705.8.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "HMO QUALITY ASSURANCE UNIT" MEANS THE HEALTH MAINTENANCE ORGANIZATION (HMO) QUALITY ASSURANCE UNIT IN THE DEPARTMENT.

(3) "QUALITY ASSURANCE MEDICAL DIRECTOR" MEANS THE MEDICAL DIRECTOR OF THE HMO QUALITY ASSURANCE UNIT.

(B) THERE IS A HEALTH MAINTENANCE ORGANIZATION (HMO) QUALITY ASSURANCE UNIT IN THE DEPARTMENT.

(C) (1) THE SECRETARY SHALL APPOINT THE QUALITY ASSURANCE MEDICAL DIRECTOR.

(2) THE QUALITY ASSURANCE MEDICAL DIRECTOR SHALL:

(I) BE A PHYSICIAN WHO IS LICENSED IN THE STATE;

(II) BE BOARD CERTIFIED IN AT LEAST ONE SPECIALTY;

(III) HAVE EXPERIENCE IN PRIMARY CARE AND ADMINISTRATIVE MEDICINE; AND