

BY adding to

Article - Health - General

Section 19-706(f)

Annotated Code of Maryland

(1996 Replacement Volume and 1998 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Insurance

15-126.

~~(A) IN THIS SECTION, "EMERGENCY SERVICES" HAS THE MEANING STATED IN § 19-701(D) OF THE HEALTH - GENERAL ARTICLE.~~

(A) IN THIS SECTION, "EMERGENCY MEDICAL CONDITION" MEANS A MEDICAL CONDITION THAT MANIFESTS ITSELF BY SYMPTOMS OF SUFFICIENT SEVERITY, INCLUDING SEVERE PAIN, THAT THE ABSENCE OF IMMEDIATE MEDICAL ATTENTION COULD REASONABLY BE EXPECTED BY A PRUDENT LAYPERSON, WHO POSSESSES AN AVERAGE KNOWLEDGE OF HEALTH AND MEDICINE, TO RESULT IN:

- (1) PLACING THE PATIENT'S HEALTH IN SERIOUS JEOPARDY;
- (2) SERIOUS IMPAIRMENT TO BODILY FUNCTIONS; OR
- (3) SERIOUS DYSFUNCTION OF ANY BODILY ORGAN OR PART.

~~(A)~~ (B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER HEALTH INSURANCE POLICIES THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

~~(B) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IN ANY WAY PENALIZE OR DISCRIMINATE AGAINST AN INSURED OR ENROLLEE FOR ACCESSING THE 911 SYSTEM TO OBTAIN EMERGENCY AMBULANCE SERVICES.~~

(C) (1) AN ENTITY SUBJECT TO THIS SECTION MAY NOT ESTABLISH OR PROMOTE AN EMERGENCY MEDICAL RESPONSE AND TRANSPORTATION SYSTEM THAT ENCOURAGES OR DIRECTS ACCESS BY AN INSURED OR ENROLLEE IN COMPETITION WITH OR IN SUBSTITUTION OF THE MARYLAND EMERGENCY MEDICAL SERVICES SYSTEM (911) OR OTHER STATE, COUNTY, OR LOCAL GOVERNMENT EMERGENCY MEDICAL SERVICES SYSTEM.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN ENTITY MAY UTILIZE, FOR SERVICES THAT ARE NOT EMERGENCY SERVICES, SUBJECT TO THIS SECTION MAY USE TRANSPORTATION OUTSIDE THE 911 OR OTHER