

~~(3) THE USUAL, CUSTOMARY, AND REASONABLE RATE IS THE AMOUNT AT WHICH 90% OF ALL CLAIMS SUBMITTED TO THE HEALTH MAINTENANCE ORGANIZATION IN THE PRECEDING CALENDAR YEAR FOR THE SAME SERVICE WOULD BE PAID IN FULL.~~

(c) (1) A health maintenance organization may seek reimbursement from an enrollee for any payment under subsection (b) of this section for a claim or portion of a claim submitted by a health care provider and paid by the health maintenance organization that the health maintenance organization determines is the responsibility of the enrollee.

(2) The health maintenance organization may request and the health care provider shall provide adjunct claims documentation to assist in making the determination under paragraph (1) of this subsection or under subsection (b) of this section.

~~(D) (1) A HEALTH MAINTENANCE ORGANIZATION SUBSCRIBER OR ENROLLEE MAY ENTER INTO A PRIVATE CONTRACT WITH A HEALTH CARE PROVIDER THAT CONTAINS A PROVISION UNDER WHICH THE SUBSCRIBER OR ENROLLEE ACCEPTS RESPONSIBILITY FOR PAYING CHARGES TO THE HEALTH CARE PROVIDER IF:~~

~~(I) THE HEALTH CARE PROVIDER DOES NOT HAVE A CONTRACT WITH THE SUBSCRIBER'S OR ENROLLEE'S HEALTH MAINTENANCE ORGANIZATION;~~

~~(II) THE HEALTH MAINTENANCE ORGANIZATION DID NOT REFER THE SUBSCRIBER OR ENROLLEE TO THE HEALTH CARE PROVIDER;~~

~~(III) THE HEALTH CARE SERVICES PROVIDED ARE NOT EMERGENCY SERVICES; AND~~

~~(IV) BEFORE TREATMENT, THE PATIENT AND HEALTH CARE PROVIDER SIGN A FORM DEVELOPED BY THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE CONSUMER PROTECTION DIVISION OF THE OFFICE OF THE ATTORNEY GENERAL.~~

~~(2) THE FORM DESCRIBED IN PARAGRAPH (1)(IV) OF THIS SUBSECTION SHALL STATE IN PLAIN LANGUAGE THAT:~~

~~(I) THE SUBSCRIBER OR ENROLLEE IS ACCEPTING FINANCIAL RESPONSIBILITY FOR THE HEALTH CARE SERVICES; AND~~

~~(II) THE CONDITIONS OF PARAGRAPH (1)(I), (II), AND (III) OF THE SUBSECTION ARE MET.~~

~~(E) THE PROVISIONS OF THIS SECTION AND § 10-710(O) OF THIS SUBTITLE DO NOT APPLY TO HEALTH CARE SERVICES THAT ARE COVERED BY THE HEALTH MAINTENANCE ORGANIZATION SOLELY AS A RESULT OF A POINT OF SERVICE OPTION OF A HEALTH MAINTENANCE ORGANIZATION AS DEFINED IN § 10-710.2 OF THIS SUBTITLE.~~