

~~(F) IF THE HEALTH MAINTENANCE ORGANIZATION PAYS A CLAIM FOR A HEALTH CARE SERVICE FOR WHICH THE SUBSCRIBER OR ENROLLEE HAS PRIVATELY CONTRACTED WITH A HEALTH CARE PROVIDER UNDER SUBSECTION (D) OF THIS SECTION, THE PATIENT OR HEALTH CARE PROVIDER MAY ACCEPT PAYMENT WITHOUT AFFECTING THE PRIVATE CONTRACT.~~

~~(G)~~ (D) (1) A HEALTH CARE PROVIDER MAY ENFORCE THE PROVISIONS OF THIS SECTION BY FILING A COMPLAINT AGAINST A HEALTH MAINTENANCE ORGANIZATION WITH THE MARYLAND INSURANCE ADMINISTRATION OR BY FILING A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION UNDER § 1-501 OR § 4-201 OF THE COURTS ARTICLE.

(2) THE MARYLAND INSURANCE ADMINISTRATION OR A COURT SHALL AWARD REASONABLE ATTORNEY FEES IF THE COMPLAINT OF THE HEALTH CARE PROVIDER IS SUSTAINED.

~~[(d)]~~ (E) In addition to any other penalties under this subtitle, the Commissioner may impose a penalty not to exceed \$5,000 on any health maintenance organization which violates the provisions of this section if the violation is committed with such frequency as to indicate a general business practice of the health maintenance organization.

SECTION 3. AND BE IT FURTHER ENACTED, That the Health Services Cost Review Commission, in consultation with the Maryland Health Care Commission, the Maryland Insurance Administration, health care providers, and health maintenance organizations, shall develop a methodology for ensuring reasonable payment to health care providers not under written contract with a health maintenance organization. The Commission shall report its findings and recommendations to the House Economic Matters Committee and the Senate Finance Committee, in accordance with § 2-1246 of the State Government Article, on or before January 1, 2002.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act applies to health care services rendered on or after October 1, 2000.

SECTION 4.5. AND BE IT FURTHER ENACTED, That Section 2 Sections 2 and 4 of this Act shall take effect October 1, 2000. Section 2 Sections 2 and 4 of this Act shall remain effective for a period of 1 year and 9 months and, at the end of June 30, 2002, with no further action required by the General Assembly, Section 2 Sections 2 and 4 of this Act shall be abrogated and of no further force and effect.

SECTION 2-5.6. AND BE IT FURTHER ENACTED, That, subject to Section 4 5 of this Act, this Act shall take effect October 1, 2000.

Approved May 11, 2000.