

ESTABLISH AND MAINTAIN a segregated fund, IN A FORM AND AN AMOUNT APPROVED BY THE COMMISSIONER, THAT IS:

(G) WHICH MAY INCLUDE WITHHELD FUNDS, ESCROW ACCOUNTS, LETTERS OF CREDIT, OR SIMILAR ARRANGEMENTS, OR REQUIRE THE AVAILABILITY OF OTHER RESOURCES THAT ARE ~~(which may include withheld funds, escrow accounts, letters of credit, or similar arrangements), or require the availability of other resources that are~~ sufficient to satisfy the contracting provider's obligations to external providers for services rendered to members of the health maintenance organization; AND

(H) EQUAL TO AT LEAST 3 MONTHS OF CAPITATION AND OTHER PAYMENTS FOR HEALTH CARE SERVICES BY THE HEALTH MAINTENANCE ORGANIZATION TO THE CONTRACTING PROVIDER;

(4) Require ~~an explanation of how~~ THE CONTRACTING PROVIDER TO SUBMIT TO THE HEALTH MAINTENANCE ORGANIZATION INFORMATION DEMONSTRATING THAT the fund ~~or resources required~~ ESTABLISHED under ~~paragraph ITEM~~ (3) of this subsection ~~create funds or other resources~~ IS sufficient to satisfy the contracting provider's obligations to external providers for services rendered to members of the health maintenance organization; AND ~~and~~

(5) Permit REQUIRE the health maintenance organization, ~~at mutually agreed upon times and upon reasonable prior notice~~ AT LEAST QUARTERLY, to audit REVIEW and inspect the contracting provider's books, records, and operations relevant to the provider's contract for the purpose of determining the contracting provider's compliance with the plan;

(6) REQUIRE THE HEALTH MAINTENANCE ORGANIZATION TO INCLUDE A COPY OF THE FINANCIAL STATEMENT REQUIRED UNDER ITEM (2) OF THIS SUBSECTION IN ITS ANNUAL REPORT UNDER § 10-717 OF THIS SUBTITLE, AND

(7) REQUIRE THE CONTRACTING PROVIDER TO SUBMIT MONTHLY REPORTS TO THE HEALTH MAINTENANCE ORGANIZATION ON THE STATUS OF THE PAYMENTS MADE AND OWED TO EXTERNAL PROVIDERS AND THE COMPLIANCE BY THE CONTRACTING PROVIDER WITH § 15-1005 OF THE INSURANCE ARTICLE.

(E) IN DETERMINING THE SUFFICIENCY OF A SEGREGATED FUND, THE COMMISSIONER MAY CONSIDER WHETHER EXTERNAL PROVIDERS ARE OWNED OR CONTROLLED BY THE CONTRACTING PROVIDER.

(F) THE SEGREGATED FUND OR OTHER RESOURCES ESTABLISHED AS A RESULT OF AN ADMINISTRATIVE SERVICE PROVIDER CONTRACT:

(1) SHALL BE HELD IN TRUST FOR PAYMENT TO EXTERNAL PROVIDERS;
AND

(2) MAY NOT BE CONSIDERED AN ASSET OR AN ACCOUNT OF THE CONTRACTING PROVIDER FOR THE PURPOSE OF DETERMINING THE ASSETS OR ACCOUNTS OF A BANKRUPT CONTRACTING PROVIDER.