

delivered health care services.] "ADVERSE DECISION" DOES NOT INCLUDE A DECISION CONCERNING A SUBSCRIBER'S STATUS AS A MEMBER.

(c) "Certificate" means a certificate of registration granted by the Commissioner to a private review agent.

(d) (1) "Employee assistance program" means a health care service plan that, in accordance with a contract with an employer or labor union:

(i) consults with employees or members of an employee's family or both to:

1. identify the employee's or the employee's family member's mental health, alcohol, or substance abuse problems; and

2. refer the employee or the employee's family member to ~~health care providers] A PHYSICIAN OR PROVIDER LICENSED OR AUTHORIZED TO PROVIDE HEALTH CARE SERVICES~~ or other community resources for counseling, therapy, or treatment; and

(ii) performs utilization review for the purpose of making claims or payment decisions on behalf of the employer's or labor union's health insurance or health benefit plan.

(2) "Employee assistance program" does not include a health care service plan operated by a hospital solely for employees, or members of an employee's family, of that hospital.

(E) (1) "GRIEVANCE" MEANS A PROTEST FILED BY A PATIENT OR A HEALTH CARE PROVIDER ON BEHALF OF A PATIENT WITH A PRIVATE REVIEW AGENT THROUGH THE PRIVATE REVIEW AGENT'S INTERNAL GRIEVANCE PROCESS REGARDING AN ADVERSE DECISION CONCERNING A PATIENT.

(2) "GRIEVANCE" DOES NOT INCLUDE A VERBAL REQUEST FOR RECONSIDERATION OF A UTILIZATION REVIEW DETERMINATION.

(F) "GRIEVANCE DECISION" MEANS A FINAL DETERMINATION BY A PRIVATE REVIEW AGENT THAT ARISES FROM A GRIEVANCE FILED WITH THE PRIVATE REVIEW AGENT UNDER ITS INTERNAL GRIEVANCE PROCESS REGARDING AN ADVERSE DECISION CONCERNING A PATIENT.

[(e)] (G) "Health care facility" means:

(1) a hospital as defined in § 19-301 of the Health - General Article;

(2) a related institution as defined in § 19-301 of the Health - General Article;

(3) an ambulatory surgical facility or center which is any entity or part thereof that operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and seeks reimbursement from third party payors as an ambulatory surgical facility or center;