

(2) The Insurance Commissioner or an agent of the Commissioner shall examine the financial affairs and status of each managed care organization at least once every 5 years.

19-712.

(b) (1) ~~(1) [A] SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A~~ person who holds a certificate of authority to operate a health maintenance organization under this subtitle and who enters into any administrative service provider contract, as defined in ~~§ 19-713.1~~ § 19-713.2 of this subtitle, with a person or entity for the provision of health care services to subscribers shall be ~~FINANCIALLY AND ADMINISTRATIVELY~~ responsible for all claims or payments for health care services:

~~{(i)} 1.~~ Covered under the subscriber's contract; and

~~{(ii)} 2.~~ Rendered by a provider, who is not the person or entity which entered into the administrative service provider contract with the health maintenance organization, pursuant to a referral by a person or entity which entered into the administrative service provider contract with the health maintenance organization.

~~(II) THE FINANCIAL AND ADMINISTRATIVE RESPONSIBILITIES OF A HEALTH MAINTENANCE ORGANIZATION UNDER AN ADMINISTRATIVE SERVICE PROVIDER CONTRACT:~~

~~1. ARE NOT LIMITED BY THE VALUE OF THE ASSETS OF A SEGREGATED FUND ESTABLISHED UNDER AN ADMINISTRATIVE SERVICE PROVIDER CONTRACT;~~

~~2. EXIST IRRESPECTIVE OF WHETHER THE CONTRACTING PROVIDER IS INSOLVENT; AND~~

~~3. EXIST IRRESPECTIVE OF ANY CONTRARY OR LIMITING CONTRACT PROVISION.~~

(2) Responsibility for claims and payments under this subsection is subject to the provisions of ~~§ 19-712.1~~ of this subtitle § 15-1005 OF THE INSURANCE ARTICLE.

(C) THE RESPONSIBILITY OF A HEALTH MAINTENANCE ORGANIZATION FOR CLAIMS OR PAYMENTS FOR HEALTH CARE SERVICES IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION UNDER AN ADMINISTRATIVE SERVICE PROVIDER CONTRACT:

(1) IS NOT LIMITED BY THE AMOUNT IN A SEGREGATED FUND ESTABLISHED UNDER § 19-713.2 OF THIS TITLE;

(2) EXISTS IRRESPECTIVE OF THE INSOLVENCY OR OTHER INABILITY OR FAILURE OF A CONTRACTING PROVIDER, AS DEFINED IN § 19-713.2 OF THIS SUBTITLE, TO PAY;