

(3) EXISTS IRRESPECTIVE OF THE DELEGATION OR FURTHER SUBCONTRACTING OF HEALTH CARE SERVICES BY A CONTRACTING PROVIDER TO AN EXTERNAL PROVIDER, AS DEFINED IN § 19-713.2 OF THIS SUBTITLE;

(4) MAY NOT BE ALTERED BY CONTRACT; AND

(5) APPLIES TO ALL HEALTH CARE SERVICES, INCLUDING THOSE PROVIDED UNDER STATE AND FEDERAL PROGRAMS, UNLESS PREEMPTED BY FEDERAL LAW.

(D) SUBSECTIONS (B) AND (C) OF THIS SECTION APPLY TO A CONTRACT BETWEEN A HEALTH MAINTENANCE ORGANIZATION AND ANY COMPANY AFFILIATED WITH THE HEALTH MAINTENANCE ORGANIZATION THROUGH COMMON OWNERSHIP WITHIN AN INSURANCE HOLDING COMPANY SYSTEM, THAT MEETS THE DEFINITION OF A CONTRACTING PROVIDER UNDER § 19-713.2 OF THIS SUBTITLE.

19-713.2.

(a) (1) In this section the following words have the meanings indicated.

(2) "Administrative service provider contract" means a contract or capitation agreement between a health maintenance organization and a contracting provider which includes requirements that:

(i) The contracting provider accept payments from a health maintenance organization for health care services to be provided to members of the health maintenance organization that the contracting provider arranges to be provided by external providers; and

(ii) The contracting provider administer payments pursuant to the contract ~~within~~ WITH the health maintenance organization for the health care services to the external providers.

(3) "Contracting provider" means a ~~physician or other health care provider~~ PERSON who enters into an administrative service provider contract with a health maintenance organization.

(4) "External provider" means a health care provider, including a physician or hospital, who is not:

(i) A contracting provider; or

(ii) An employee, shareholder, or partner of a contracting provider.

(B) THIS SECTION DOES NOT APPLY TO A CONTRACT BETWEEN A HEALTH MAINTENANCE ORGANIZATION AND A CONTRACTING PROVIDER THAT IS AFFILIATED WITH THE HEALTH MAINTENANCE ORGANIZATION THROUGH COMMON OWNERSHIP WITHIN AN INSURANCE HOLDING COMPANY SYSTEM, IF THE HEALTH MAINTENANCE ORGANIZATION:

(1) FILES WITH THE COMMISSIONER CONSOLIDATED FINANCIAL STATEMENTS THAT INCLUDE THE CONTRACTING PROVIDER; AND