

Article - Insurance

15-1001.

(a) This section applies to [insurers and nonprofit health service plans] ENTITIES that propose to issue or deliver individual, group, or blanket health insurance policies or contracts in the State or to administer health benefit programs that provide for the coverage of [hospital benefits] HEALTH CARE SERVICES and the utilization review of those [benefits] SERVICES, INCLUDING:

- (1) AN AUTHORIZED INSURER THAT PROVIDES HEALTH INSURANCE IN THE STATE;
- (2) A NONPROFIT HEALTH SERVICE PLAN;
- (3) A HEALTH MAINTENANCE ORGANIZATION;
- (4) A DENTAL PLAN ORGANIZATION; OR
- (5) EXCEPT FOR A MANAGED CARE ORGANIZATION AS DEFINED IN TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE, ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO REGULATION BY THE STATE.

(b) (1) [Each] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH entity subject to this section shall:

[(1)](I) have a certificate issued under Subtitle 10B of this title; OR

[(2)](II) contract with a private review agent that has a certificate issued under Subtitle 10B of this title[; or].

[(3)](2) FOR HOSPITAL SERVICES, EACH ENTITY SUBJECT TO THIS SECTION MAY contract with or delegate utilization review to a hospital utilization review program approved under § 19-319(d) of the Health - General Article.

(c) Notwithstanding any other provision of this article, if the medical necessity of providing a covered benefit is disputed, an entity subject to this section that does not meet the requirements of subsection (b) of this section shall pay any person entitled to reimbursement under the policy[, contract, or certificate] OR CONTRACT in accordance with the determination of medical necessity by [the hospital utilization review program approved under § 19-319(d) of the Health - General Article]:

(1) THE TREATING PROVIDER; OR

(2) WHEN HOSPITAL SERVICES ARE PROVIDED, THE HOSPITAL UTILIZATION REVIEW PROGRAM APPROVED UNDER § 19-319(D) OF THE HEALTH - GENERAL ARTICLE.

(D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT:

(1) ACT AS A PRIVATE REVIEW AGENT WITHOUT HOLDING A CERTIFICATE ISSUED UNDER SUBTITLE 10B OF THIS TITLE; OR