

[(7)](8) the policies and procedures to ensure that the private review agent has a formal program for the orientation and training of the personnel either employed or under contract to perform the utilization review;

[(8)](9) a list of the ~~health care providers AS DEFINED IN § 15-10B-07 OF THIS SUBTITLE~~ PERSONS involved in establishing the specific criteria and standards to be used in conducting utilization review; and

[(9)](10) certification by the private review agent that the criteria and standards to be used in conducting utilization review are:

- (i) objective;
- (ii) clinically valid;
- (iii) compatible with established principles of health care; and
- (iv) flexible enough to allow deviations from norms when justified on a case by case basis.

(b) (1) At least ~~10~~ 30 days before a private review agent requires any revisions or modifications to [the] EXISTING specific criteria and standards to be used in conducting utilization review of proposed or delivered services, the private review agent shall submit those revisions or modifications to the Commissioner.

(2) AT LEAST 10 DAYS BEFORE A PRIVATE REVIEW AGENT REQUIRES SPECIFIC CRITERIA AND STANDARDS TO BE USED IN CONDUCTING UTILIZATION REVIEW OF PROPOSED OR DELIVERED SERVICES IN WHICH THERE ARE NO EXISTING CRITERIA OR STANDARDS, THE PRIVATE REVIEW AGENT SHALL SUBMIT THE CRITERIA AND STANDARDS TO THE COMMISSIONER.

(c) On the written request of any person or health care facility, the private review agent shall provide 1 copy of the specific criteria and standards to be used in conducting utilization review of proposed or delivered services and any subsequent ~~revisions or modifications~~ REVISIONS, MODIFICATIONS, OR ADDITIONS to the specific criteria and standards to be used in conducting utilization review of proposed or delivered services to the person or health care facility making the request.

(d) The private review agent may charge a reasonable fee for a copy of the specific criteria and standards or any subsequent ~~revisions or modifications~~ REVISIONS, MODIFICATIONS, OR ADDITIONS to the specific criteria to any person or health care facility requesting a copy under subsection (c) of this section.

(e) [It shall constitute a violation of this subtitle if the Commissioner, in consultation with an independent review organization, medical expert, the Department of Health and Mental Hygiene, or other appropriate entity, determines that the criteria and standards used in conducting utilization review are not:

- (1) objective;
- (2) clinically valid;
- (3) compatible with established principles of health care; or