

(2) The Commissioner shall deny a certificate to any applicant that does not provide assurances satisfactory to the Commissioner that:

(i) the procedures and policies of the private review agent will protect the confidentiality of medical records in accordance with applicable State and federal laws; and

(ii) the private review agent will be accessible to patients and providers 5 working days a week during normal business hours in this State.

(b) The Commissioner may revoke a certificate if the holder does not comply with performance assurances under this section, violates any provision of this subtitle, or violates any regulation adopted under any provision of this subtitle.

(c) (1) Before denying or revoking a certificate under this section, the Commissioner shall provide the applicant or certificate holder with reasonable time to supply additional information demonstrating compliance with the requirements of this subtitle and the opportunity to request a hearing.

(2) If an applicant or certificate holder requests a hearing, the Commissioner shall send a hearing notice by certified mail, return receipt requested, at least 30 days before the hearing.

(3) The Commissioner shall hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.]

15-10B-11.

A PRIVATE REVIEW AGENT MAY NOT:

(1) VIOLATE ANY PROVISION OF THIS SUBTITLE OR ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE;

(2) FAIL TO MEET THE REQUIREMENTS FOR CERTIFICATION UNDER THIS SUBTITLE;

(3) OBTAIN OR ATTEMPT TO OBTAIN CERTIFICATION BASED ON INACCURATE INFORMATION;

(4) FRAUDULENTLY OR DECEPTIVELY OBTAIN OR USE A CERTIFICATE;

(5) FAIL TO MAKE AVAILABLE THE SERVICES OF SUFFICIENT NUMBERS OF REGISTERED NURSES, MEDICAL RECORDS TECHNICIANS, OR SIMILARLY QUALIFIED PERSONS SUPPORTED AND SUPERVISED BY APPROPRIATE PHYSICIANS TO CARRY OUT ITS UTILIZATION REVIEW ACTIVITIES;

(6) FAIL TO MEET ANY APPLICABLE REGULATIONS THE COMMISSIONER ADOPTS UNDER THIS SUBTITLE RELATING TO THE QUALIFICATIONS OF PRIVATE REVIEW AGENTS OR THE PERFORMANCE OF UTILIZATION REVIEW;

(7) FAIL TO PROTECT THE CONFIDENTIALITY OF MEDICAL RECORDS IN ACCORDANCE WITH APPLICABLE STATE AND FEDERAL LAWS; OR