

(8) USE CRITERIA AND STANDARDS TO CONDUCT UTILIZATION REVIEW UNLESS THE CRITERIA AND STANDARDS USED BY THE PRIVATE REVIEW AGENT ARE:

- (I) OBJECTIVE;
- (II) CLINICALLY VALID;
- (III) COMPATIBLE WITH ESTABLISHED PRINCIPLES OF HEALTH CARE; OR
- (IV) FLEXIBLE ENOUGH TO ALLOW DEVIATIONS FROM NORMS WHEN JUSTIFIED ON A CASE-BY-CASE BASIS; OR

(9) ACT AS A PRIVATE REVIEW AGENT WITHOUT HOLDING A CERTIFICATE ISSUED UNDER THIS SUBTITLE.

[15-10B-12.

The Commissioner may waive the requirements of this subtitle for a private review agent that operates solely under contract with the federal government for utilization review of patients eligible for hospital services under Title XVIII of the Social Security Act.]

15-10B-12.

(A) (1) A PERSON WHO VIOLATES ANY PROVISION OF § 15-10B-11 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PENALTY NOT EXCEEDING \$1,000.

(2) EACH DAY A VIOLATION IS CONTINUED AFTER THE FIRST CONVICTION IS A SEPARATE OFFENSE.

(B) IN ADDITION TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, IF ANY PERSON VIOLATES ANY PROVISION OF § 15-10B-11 OF THIS SUBTITLE, THE COMMISSIONER MAY:

(1) DENY, SUSPEND, OR REVOKE THE CERTIFICATE TO DO BUSINESS AS A PRIVATE REVIEW AGENT;

(2) ISSUE AN ORDER TO CEASE AND DESIST FROM ACTING AS A PRIVATE REVIEW AGENT WITHOUT HOLDING A CERTIFICATE ISSUED UNDER THIS SUBTITLE;

(3) (3) REQUIRE A PRIVATE REVIEW AGENT TO MAKE RESTITUTION TO A PATIENT WHO HAS SUFFERED ACTUAL ECONOMIC DAMAGE BECAUSE OF THE VIOLATION; AND

(4) (4) IMPOSE AN ADMINISTRATIVE PENALTY OF UP TO \$5,000 FOR EACH VIOLATION OF ANY PROVISION OF THIS SUBTITLE.

[15-10B-13.

The Commissioner shall periodically provide a list of private review agents issued certificates and the renewal date for those certificates to any person on request.]