(b)   (1)   In addition to the provisions of subsection (a) of this section, the Commissioner may impose an administrative penalty of up to $5,000 for a violation of any provision of this subtitle.

(2)   The Commissioner shall adopt regulations to provide standards for the imposition of an administrative penalty under paragraph (1) of this subsection.]

15–10B–17.

(A)   (1)   EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION DOES NOT APPLY TO:

(I)   A PRIVATE REVIEW AGENT REFERRING AN INDIVIDUAL TO A HEALTH CARE PROVIDER OR FACILITY THAT PARTICIPATES IN A HEALTH MAINTENANCE ORGANIZATION;

(II)   A PREFERRED PROVIDER ORGANIZATION NETWORK OF PARTICIPATING HEALTH CARE PROVIDERS OR FACILITIES TO WHICH THE INDIVIDUAL WOULD OTHERWISE BE REFERRED AS PART OF THE INDIVIDUAL'S MEMBERSHIP OR INSURANCE CONTRACT; OR

(III) AN EMPLOYEE ASSISTANCE PROGRAM REFERRING AN INDIVIDUAL TO A NETWORK OF PARTICIPATING HEALTH CARE PROVIDERS OR FACILITIES IN ACCORDANCE WITH A CONTRACT WITH THE INDIVIDUAL'S EMPLOYER OR LABOR UNION TO PROVIDE COMPREHENSIVE MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES.

(2)   A PRIVATE REVIEW AGENT OR ANY OTHER INDIVIDUAL WHO IS EITHER AFFILIATED WITH, UNDER CONTRACT WITH, OR ACTING ON BEHALF OF A PRIVATE REVIEW AGENT MAY NOT APPROVE OR FAIL TO APPROVE A COURSE OF TREATMENT BASED ON WHETHER THE TREATMENT IS DELIVERED BY A PROVIDER WHO IS A PARTICIPATING OR NONPARTICIPATING PROVIDER IN THE PREFERRED PROVIDER ORGANIZATION OR EMPLOYEE ASSISTANCE PROGRAM NETWORK.

(B)   A PRIVATE REVIEW AGENT OR ANY INDIVIDUAL WHO IS EITHER AFFILIATED WITH, UNDER CONTRACT WITH, OR ACTING ON BEHALF OF A PRIVATE REVIEW AGENT MAY NOT:

(1)   REFER A PATIENT WHO HAS UNDERGONE UTILIZATION REVIEW BY THE PRIVATE REVIEW AGENT TO:

(I)   A HEALTH CARE FACILITY IN WHICH THE PRIVATE REVIEW AGENT OWNS A SIGNIFICANT BENEFICIAL INTEREST; OR

(II)   THE PRIVATE REVIEW AGENT'S OWN HEALTH CARE PRACTICE;

(2)   PAY OR AGREE TO PAY ANY SUM TO, OR ACCEPT OR AGREE TO ACCEPT ANY SUM FROM, ANY PERSON FOR BRINGING OR REFERRING A PATIENT TO THE PRIVATE REVIEW AGENT; OR