

2. for a health maintenance organization, under the Health - General Article or under this article.

(3) In addition to paragraph (1) of this subsection, it is a violation of this subtitle, if the Commissioner, in consultation with an independent review organization, medical expert, the Department, or other appropriate entity, determines that the criteria and standards used by a health maintenance organization to conduct utilization review are not:

- (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.

~~[(d)](E)~~ The Commissioner may refer complaints not within the Commissioner's jurisdiction to the Health Advocacy Unit or any other appropriate federal or State government agency or unit for disposition or resolution.

~~15-10B-01.~~

~~(a) In this subtitle the following words have the meanings indicated.~~

~~(b) (1) "Adverse decision" means a utilization review determination made by a private review agent that a proposed or delivered health care service:~~

- ~~(i) is or was not medically necessary, appropriate, or efficient; and~~
- ~~(ii) may result in nonecoverage of the health care service.~~

~~(2) "Adverse decision" does not include a decision concerning a subscriber's status as a member.~~

~~(c) "AUTHORIZED REPRESENTATIVE" MEANS A PERSON, INCLUDING A HEALTH CARE PROVIDER, AUTHORIZED BY THE PATIENT TO ACT ON BEHALF OF THE PATIENT.~~

~~[(e)](D) "Certificate" means a certificate of registration granted by the Commissioner to a private review agent.~~

~~[(d)](E) (1) "Employee assistance program" means a health care service plan that, in accordance with a contract with an employer or labor union:~~

- ~~(i) consults with employees or members of an employee's family or both to:
 
  - ~~1. identify the employee's or the employee's family member's mental health, alcohol, or substance abuse problems; and~~
  - ~~2. refer the employee or the employee's family member to health care providers or other community resources for counseling, therapy, or treatment; and~~~~