

(d) (1) Each carrier shall establish and implement a procedure by which a member may request a referral to a specialist **OR NONPHYSICIAN SPECIALIST** who is not part of the carrier's provider panel in accordance with this subsection.

(2) The procedure shall provide for a referral to a specialist **OR NONPHYSICIAN SPECIALIST** who is not part of the carrier's provider panel if:

(i) the member is diagnosed with a condition or disease that requires specialized HEALTH CARE SERVICES OR medical care; and

(ii) 1. the carrier does not have in its provider panel a specialist **OR NONPHYSICIAN SPECIALIST** with the professional training and expertise to treat OR PROVIDE HEALTH CARE SERVICES FOR the condition or disease; or

2. the carrier cannot provide reasonable access to a specialist **OR NONPHYSICIAN SPECIALIST** with the professional training and expertise to treat OR PROVIDE HEALTH CARE SERVICES FOR the condition or disease without unreasonable delay or travel.

(e) For purposes of calculating any deductible, copayment amount, or coinsurance payable by the member, a carrier shall treat services received in accordance with subsection (d) of this section as if the service was provided by a provider on the carrier's provider panel.

(f) A decision by a carrier not to provide access to or coverage of treatment OR HEALTH CARE SERVICES by a specialist **OR NONPHYSICIAN SPECIALIST** in accordance with this section constitutes an adverse decision as defined under Subtitle 10A of this title if the decision is based on a finding that the proposed service is not medically necessary, appropriate, or efficient.

(g) Each carrier shall file with the Commissioner a copy of each of the procedures required under this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after October 1, 2007.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.

Approved by the Governor, April 24, 2007.