

generally relating to private review agents.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19-1301 and 19-1311.1(a)

Annotated Code of Maryland

(1990 Replacement Volume and 1991 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Health – General**

19-1301.

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

(B) (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) 1. IDENTIFY THE EMPLOYEE’S OR THE EMPLOYEE’S FAMILY MEMBER’S ~~HEALTH~~, MENTAL HEALTH, ALCOHOL, OR SUBSTANCE ABUSE PROBLEMS; AND

(2) 2. REFER THE EMPLOYEE OR THE EMPLOYEE’S FAMILY MEMBER TO HEALTH CARE PROVIDERS OR OTHER COMMUNITY RESOURCES FOR COUNSELING, THERAPY, OR TREATMENT; AND

(II) PERFORMS UTILIZATION REVIEW FOR THE PURPOSE OF MAKING CLAIMS OR PAYMENT DECISIONS ON BEHALF OF THE EMPLOYER’S OR LABOR UNION’S HEALTH INSURANCE OR HEALTH BENEFIT PLAN.

(2) “EMPLOYEE ASSISTANCE PROGRAM” DOES NOT INCLUDE A HEALTH CARE SERVICE PLAN OPERATED BY A HOSPITAL SOLELY FOR EMPLOYEES, OR MEMBERS OF AN EMPLOYEE’S FAMILY, OF THAT HOSPITAL.

[(b)](C) “Health care facility” means:

(1) A hospital as defined in § 19-301 of this title;

(2) A related institution as defined in § 19-301 of this title;

(3) An ambulatory surgical facility or center which is any entity or part thereof that operates primarily for the purpose of providing surgical services to patients not requiring hospitalization and seeks reimbursement from third party payors as an ambulatory surgical facility or center;