

- (4) A facility that is organized primarily to help in the rehabilitation of disabled individuals;
- (5) A home health agency as defined in § 19-401 of this title;
- (6) A hospice as defined in § 19-901 of this title;
- (7) A facility that provides radiological or other diagnostic imagery services;
- (8) A medical laboratory as defined in § 17-201 of this article; or
- (9) An alcohol abuse and drug abuse treatment program as defined in § 8-403 of this article.

[(c)](D) "Utilization review" means a system for reviewing the appropriate and efficient allocation of hospital resources and services given or proposed to be given to a patient or group of patients.

[(d)](E) "Private review agent" means [a]:

(1) A nonhospital-affiliated person or entity performing utilization review that is either affiliated with, under contract with, or acting on behalf of:

[(1)](I) A Maryland business entity; or

[(2)](II) A third party that provides or administers hospital benefits to citizens of this State, including:

[(i)]1. A health maintenance organization issued a certificate of authority in accordance with Subtitle 7 of this title; or

[(ii)]2. A health insurer, nonprofit health service plan, health insurance service organization, or preferred provider organization authorized to offer health insurance policies or contracts in this State in accordance with Article 48A of the Code; OR

(2) ANY PERSON OR ENTITY INCLUDING A HOSPITAL-AFFILIATED PERSON PERFORMING SERVICES UTILIZATION REVIEW FOR THE PURPOSE OF MAKING CLAIMS OR PAYMENT DECISIONS ON BEHALF OF THE EMPLOYER'S OR LABOR UNION'S HEALTH INSURANCE PLAN UNDER AN EMPLOYEE ASSISTANCE PROGRAM FOR EMPLOYEES OTHER THAN THE EMPLOYEES:

(I) EMPLOYED BY THE HOSPITAL; OR

(II) EMPLOYED BY A BUSINESS WHOLLY OWNED BY THE HOSPITAL.

[(e)](F) "Significant beneficial interest" means the ownership of any financial interest that is greater than the lesser of:

(1) 5 percent of the whole; or

(2) \$5,000.