

[(g)](H) "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.

(I) "UTILIZATION REVIEW" MEANS A SYSTEM FOR REVIEWING THE APPROPRIATE AND EFFICIENT ALLOCATION OF HEALTH CARE SERVICES GIVEN OR PROPOSED TO BE GIVEN TO A PATIENT OR GROUP OF PATIENTS.

[(h)](J) "Utilization review plan" means a description of the standards governing utilization review activities performed by a private review agent.

[(i)] "Secretary" means the Secretary of Health and Mental Hygiene.

(j) "Commissioner" means the Insurance Commissioner.

(k) "Certificate" means a certificate of registration granted by the Secretary to a private review agent.]

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(a) A private review agent may not conduct utilization review in this State unless the [Secretary] COMMISSIONER has granted the private review agent a certificate.

(b) The [Secretary] COMMISSIONER shall issue a certificate to an applicant that has met all the requirements of this subtitle and all applicable regulations of the [Secretary] COMMISSIONER.

[(c) The Secretary may delegate the authority to issue a certificate to the Commissioner for any health insurer or nonprofit health service plan regulated under the Insurance Article or health maintenance organization issued a certificate of authority in accordance with Subtitle 7 of this title that meets the requirements of this subtitle and all applicable regulations of the Secretary.]

[(d)](C) A certificate issued under this subtitle is not transferable.

[(e)](D) (1) The [Secretary] COMMISSIONER, after consultation with [the Commissioner,] payors, including the Health Insurance Association of America, THE LEAGUE OF LIFE AND HEALTH INSURERS OF MARYLAND, and the Maryland Association of Health Maintenance Organizations, and providers of health care, including the Maryland Hospital Association, the Medical and Chirurgical Faculty of Maryland, and licensed or certified providers of treatment for a mental illness, emotional disorder, or a drug abuse or alcohol abuse disorder, shall adopt regulations to implement the provisions of this subtitle.

(2) (i) Subject to the provisions of subparagraph (iii) of this paragraph, the regulations adopted by the [Secretary] COMMISSIONER shall include a uniform treatment plan form for utilization review of services for the treatment of a mental illness, emotional disorder, or a drug abuse or alcohol abuse disorder.