

(3) The procedures and policies to ensure that a representative of the private review agent is reasonably accessible to patients and providers 5 days a week during normal business hours in this State;

(4) The policies and procedures to ensure that all applicable State and federal laws to protect the confidentiality of individual medical records are followed;

(5) A copy of the materials designed to inform applicable patients and providers of the requirements of the utilization review plan;

(6) A list of the third party payors for which the private review agent is performing utilization review in this State;

(7) The policies and procedures to ensure that the private review agent has a formal program for the orientation and training of the personnel either employed or under contract to perform the utilization review;

(8) A list of the health care providers involved in establishing the specific criteria and standards to be used in conducting utilization review; and

(9) Certification by the private review agent that the criteria and standards to be used in conducting utilization review are:

(i) Objective;

(ii) Clinically valid;

(iii) Compatible with established principles of health care; and

(iv) Flexible enough to allow deviations from norms when justified on a case by case basis.

(b) At least 10 days before a private review agent requires any revisions or modifications to the specific criteria and standards to be used in conducting utilization review of proposed or delivered services, the private review agent shall submit those revisions or modifications to the [Secretary] COMMISSIONER.

~~(G)~~ (E) IT SHALL CONSTITUTE 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 IN CONDUCTING UTILIZATION REVIEW ARE NOT:

(1) OBJECTIVE;

(2) CLINICALLY VALID;

(3) COMPATIBLE WITH ESTABLISHED PRINCIPLES OF HEALTH CARE; OR

(4) FLEXIBLE ENOUGH TO ALLOW DEVIATIONS FROM NORMS WHEN JUSTIFIED ON A CASE BY CASE BASIS.

15-10B-06.

(a) In this section, "utilization review" means a system for reviewing the