

**Article - Insurance**

15-113.

(a) (1) In this section the following words have the meanings indicated.

(2) "Carrier" means:

(i) an insurer;

(ii) a nonprofit health service plan;

(iii) a health maintenance organization;

(iv) a dental plan organization; or

(v) any other person that provides health benefit plans subject to regulation by the State.

(3) "Health care practitioner" means an individual who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services.

(b) A carrier may not reimburse a health care practitioner in an amount less than the sum or rate negotiated in the carrier's provider contract with the health care practitioner.

(c) This section does not prohibit a carrier from providing bonuses or other incentive-based compensation to a health care practitioner if the bonus or other incentive-based compensation does not:

(1) violate § 19-705.1 of the Health - General Article; or

(2) deter the delivery of medically appropriate care to an enrollee.

(D) (1) A CARRIER THAT COMPENSATES HEALTH CARE PRACTITIONERS WHOLLY OR PARTLY ON A CAPITATED BASIS MAY NOT RETAIN ANY CAPITATED FEE ATTRIBUTABLE TO AN ENROLLEE OR COVERED PERSON DURING AN ENROLLEE'S OR COVERED PERSON'S CONTRACT YEAR.

(2) A CARRIER IS IN COMPLIANCE WITH PARAGRAPH (1) OF THIS SUBSECTION IF, WITHIN 45 DAYS AFTER AN ENROLLEE OR COVERED PERSON CHOOSES OR OBTAINS HEALTH CARE FROM A HEALTH CARE PRACTITIONER, THE CARRIER PAYS TO THE HEALTH CARE PRACTITIONER ALL ACCRUED BUT UNPAID CAPITATED FEES ATTRIBUTABLE TO THAT ENROLLEE OR PERSON THAT THE HEALTH CARE PRACTITIONER WOULD HAVE RECEIVED HAD THE ENROLLEE OR PERSON CHOSEN THE HEALTH CARE PRACTITIONER AT THE ~~TIME OF ENROLLMENT~~ BEGINNING OF THE ENROLLEE'S OR COVERED PERSON'S CONTRACT YEAR.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1998.

Approved May 12, 1998.