

health care services provided for a medical condition that is determined not to be an emergency as defined in § 19-701(d) of this subtitle.

~~(F) A HEALTH MAINTENANCE ORGANIZATION'S REIMBURSEMENT POLICIES AND PATIENT TRANSFER REQUIREMENTS MAY NOT, DIRECTLY OR INDIRECTLY, REQUIRE A HOSPITAL EMERGENCY FACILITY OR PROVIDER TO VIOLATE THE FEDERAL EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT.~~

~~(G) IF A MEMBER OR SUBSCRIBER OF A HEALTH MAINTENANCE ORGANIZATION IS TRANSFERRED FROM A HOSPITAL EMERGENCY FACILITY TO ANOTHER MEDICAL FACILITY, THE HEALTH MAINTENANCE ORGANIZATION SHALL REIMBURSE THE TRANSFERRING HOSPITAL EMERGENCY FACILITY AND PROVIDER, LESS ANY APPLICABLE CO-PAYMENTS, FOR SERVICES PROVIDED TO STABILIZE THE MEMBER OR SUBSCRIBER IN ACCORDANCE WITH THE FEDERAL EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT.~~

~~(H) FAILURE BY A HEALTH MAINTENANCE ORGANIZATION TO COMPLY WITH SUBSECTION (F) OR (G) OF THIS SECTION OR § 19-701(D) OF THIS SUBTITLE MAY RESULT IN CIVIL MONETARY PENALTIES NOT TO EXCEED TREBLE DAMAGES.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect July 1, 1998 and shall remain effective until the expiration of § 19-712.5(e) of the Health General Article, as enacted by Chapter 107 of the Acts of the General Assembly of 1997.~~

~~SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect at that time when Section 1 of this Act no longer has any force or effect.~~

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

Approved May 21, 1998.

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## CHAPTER 606

### (House Bill 874)

AN ACT concerning

**Health Maintenance Organizations - ~~Patient Transfers and Reimbursements~~ Reimbursement to Hospital Emergency Facilities and Providers**

FOR the purpose of specifying that certain policies and requirements of a health maintenance organization may not require a hospital emergency facility or provider to violate the federal Emergency Medical Treatment and Active Labor Act; ~~requiring that health maintenance organizations reimburse hospital emergency facilities for services necessary to stabilize members or subscribers before transfer; requiring a health maintenance organization to reimburse a hospital emergency facility and provider, less any applicable co-payments, for~~