

Chapter 673

(House Bill 435)

AN ACT concerning

Health Insurance – Reimbursement of ~~Physicians – Services Outside of Office Hours, by Telephone, or Online~~ Primary Care Providers – Bonus Payments

FOR the purpose of requiring certain health insurance carriers to ~~reimburse physicians a bonus payment~~ pay a bonus to primary care providers for services provided in the office at certain times; requiring certain health insurance carriers to ~~reimburse physicians a separate payment for an evaluation and management service delivered in a certain manner under certain circumstances~~ include certain items in their contracts with primary care providers; specifying the contracts and policies to which this Act applies; making certain provisions of this Act applicable to health maintenance organizations; providing for a certain exception; defining a certain term certain terms; and generally relating to reimbursement of ~~physicians~~ primary care providers by health insurance carriers.

BY adding to

Article – Health – General
Section 19–706(cccc)
Annotated Code of Maryland
(2009 Replacement Volume)

BY adding to

Article – Insurance
Section 15–134
Annotated Code of Maryland
(2006 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

19–706.

(CCCC) THE PROVISIONS OF § 15–134 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

Article – Insurance

15-134.

(A) (1) IN THIS SECTION, ~~“CARRIER” MEANS:~~

~~(1)~~ THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CARRIER” MEANS:

(I) AN INSURER;

~~(2)~~ (II) A NONPROFIT HEALTH SERVICE PLAN;

~~(3)~~ (III) A HEALTH MAINTENANCE ORGANIZATION; OR

~~(4)~~ (IV) ~~A DENTAL PLAN ORGANIZATION; OR~~

~~(5)~~ ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO REGULATION BY THE STATE.

(3) “GROUP MODEL HEALTH MAINTENANCE ORGANIZATION” HAS THE MEANING STATED IN § 19-713.6(A) OF THE HEALTH – GENERAL ARTICLE.

(B) THIS SECTION APPLIES ONLY TO CONTRACTS OR POLICIES THAT:

(1) ARE ISSUED OR DELIVERED BY A CARRIER; AND

(2) PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE-INCURRED BASIS.

~~(B)~~ (C) (1) ~~EACH~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, EACH CARRIER SHALL ~~REIMBURSE PHYSICIANS:~~

~~(1)~~ A BONUS PAYMENT PAY A BONUS TO PRIMARY CARE PROVIDERS FOR SERVICES PROVIDED IN THE OFFICE:

~~(I)~~ AT TIMES OTHER THAN REGULARLY SCHEDULED OFFICE HOURS AFTER 6 P.M. AND BEFORE 8 A.M.; OR

~~(II)~~ ON DAYS WHEN THE OFFICE IS NORMALLY CLOSED; AND ON WEEKENDS AND NATIONAL HOLIDAYS.

~~(2)~~ A SEPARATE PAYMENT FOR AN EVALUATION AND MANAGEMENT SERVICE DELIVERED BY TELEPHONE OR ONLINE IF THE COMMUNICATION:

~~(I) IS NOT PART OF AN IN PERSON VISIT THAT TOOK PLACE WITHIN 48 HOURS BEFORE THE COMMUNICATION; OR~~

~~(II) DOES NOT LEAD TO AN IN PERSON VISIT THAT TAKES PLACE WITHIN 24 HOURS AFTER THE COMMUNICATION~~ A CARRIER SHALL PROVIDE FOR AND DESCRIBE THE TERMS OF THE BONUS PAYMENT REQUIRED IN PARAGRAPH (1) OF ~~THE~~ THIS SUBSECTION IN A SEPARATE CLAUSE IN THE CARRIER'S CONTRACT WITH THE PRIMARY CARE PROVIDER.

(D) A GROUP MODEL HEALTH MAINTENANCE ORGANIZATION IS NOT REQUIRED TO MAKE ANY BONUS PAYMENTS DESCRIBED IN SUBSECTION (C) OF THIS SECTION TO PHYSICIANS THAT ARE EMPLOYED BY THE PHYSICIAN GROUP UNDER CONTRACT WITH THE GROUP MODEL HEALTH MAINTENANCE ORGANIZATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 20, 2010.