

.05 Notice of Recalculated Premium Form.

NOTE: The amended version of this form appears at the end of the Notice of Proposed Action section of this issue of the Maryland Register.

ALFRED W. REDMER, JR.
Insurance Commissioner

**Subtitle 10 HEALTH INSURANCE —
GENERAL**

31.10.18 Denials of Coverage Based on Medical Necessity

Authority: Insurance Article, §2-109 and Title 15, Subtitle 10A, Annotated Code of Maryland

Notice of Proposed Action

[18-121-P]

The Insurance Commissioner proposes to amend Regulations .05 and .11 under COMAR 31.10.18 Denials of Coverage Based on Medical Necessity.

Statement of Purpose

The purpose of this action is to amend the standards for an emergency case for which an expedited review of a grievance is required and to amend the standards to demonstrate a compelling reason to file a complaint without first exhausting the carrier's internal grievance process.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The cost to the agency may increase slightly as consumers can file a complaint with the Maryland Insurance Administration before going through the insurance company's internal grievance process first, which may result in more complaints that the Administration must review.

II. Types of Economic Impact	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency: Administrative cost	NONE (E+)	Minimum
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. The cost to the agency may increase slightly as consumers can

file a complaint with the Maryland Insurance Administration before going through the insurance company's internal grievance process first, which may result in more complaints that the Administration must review

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Lisa Larson, Regulations Manager, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700 Baltimore, MD 21202, or call 410-468-2007, or email to insuranceregview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through June 11, 2018. A public hearing has not been scheduled.

.05 Procedures for Emergency Cases.

A. An expedited review of an adverse decision in accordance with this regulation is required if the:

- (1) (text unchanged)
- (2) Services are necessary to treat a condition or illness that, without immediate medical attention, would:

(a) Seriously jeopardize the life or health of the member of the member's ability to regain maximum functions[, or];

(b) Cause the member to be in danger to self or others[.]; or

(c) Cause the member to continue using intoxicating substances in an imminently dangerous manner.

B. (text unchanged)

.11 Demonstration of Compelling Reason to File Complaint.

A. A member, a member's representative, or a health care provider on behalf of a member may file a complaint without first exhausting the internal grievance process of a carrier if the complaint demonstrates to the satisfaction of the Commissioner a compelling reason to do so[.]. A compelling reason includes [including a] showing that the potential delay in receipt of a health care service until after the member or health care provider exhausts the internal grievance process and obtains a final decision under the grievance process could result in:

- (1) [loss] Loss of life[.];
- (2) [serious] Serious impairment to a bodily function[.];
- (3) [serious] Serious dysfunction of a bodily organ[, or];
- (4) [the] The member remaining seriously mentally ill or using intoxicating substances with symptoms that cause the member to be in danger to self or others[.];or
- (5) The member continuing to experience severe withdrawal symptoms.

B. A member is considered to be in danger to self or others if the member is unable to function in activities of daily living or care for self without imminent dangerous consequences.

[B.] C. (text unchanged)

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