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BULLETIN 10-30

Date: September 28, 2010

To: Insurers, Nonprofit Health Service Plans, Health Maintenance Organizations and Self-Funded Employers

Re: External Review Processes and the Patient Protection and Affordable Care Act ("PPACA")

The purpose of this bulletin is to provide information to insurers, nonprofit health service plans, health maintenance organizations, and employers who self-fund health benefit plans for their employees regarding Maryland's external review process.

The United States Department of Health and Human Services (HHS) has deemed Maryland's current external review process to be compliant with PPACA and PPACA associated external review regulations until July 1, 2011.

On August 23, 2010, the United States Department of Labor issued Technical Release 2010-01 ("technical release") entitled *Interim Procedures for Federal External Review Relating to Internal Claims and Appeals and External Review under the Patient Protection and Affordable Care Act*. The technical release describes an interim safe harbor for non-grandfathered self-insured group health plans for plan years that begin before July 1, 2011. The technical release also indicates that one interim safe harbor for non-grandfathered self-insured group health plans is the voluntary compliance with a State's external review process, *if the State chooses to expand access to their State external review process to such plans*.

This is to notify all parties that the Maryland Insurance Administration has decided to expand access to its external review process to those non-grandfathered self-insured health plans who voluntarily choose to comply with Maryland's external review process set forth in Insurance Article, Title 15, Subtitles 10A, 10B and 10D, Annotated Code of Maryland.

Questions about this bulletin may be directed to the Life/Health Section of the Maryland Insurance Administration at 410-468-2170.

Signature on file with original



Brenda A. Wilson
Associate Commissioner
Life and Health Section