

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 1410

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Delegate Donoghue” and substitute “Delegates Donoghue, Benson, Boutin, Elliott, Goldwater, Hammen, Hurson, Mandel, McDonough, Murray, Nathan-Pulliam, Pendergrass, Rosenberg, Rudolph, Smigiel, and V. Turner”; and strike beginning with “altering” in line 3 down through “benefit” in line 9 and substitute “clarifying the circumstances under which certain insurers, nonprofit health service plans, health maintenance organizations, and managed care organizations must provide coverage for the surgical treatment of morbid obesity; establishing a Task Force to Study Utilization Review of the Surgical Treatment of Morbid Obesity; providing for the membership, chairman, and duties of the Task Force; requiring the Task Force to report its findings and recommendations to certain committees of the General Assembly on or before a certain date; requiring the Maryland Insurance Administration to report to certain committees of the General Assembly certain information relating to complaints filed with the Administration for denials of coverage for the surgical treatment of morbid obesity; providing for the termination of this Act”.

AMENDMENT NO. 2

On page 2, in line 13, after “the” insert “SURGICAL”; in line 14, strike “through gastric bypass surgery or another surgical method”; in lines 14, 15, 16, and 18, in each instance, strike the bracket; in line 17, strike “criteria” and substitute “GUIDELINES”; and strike in their entirety lines 22 through 25, inclusive.

AMENDMENT NO. 3

On page 2, after line 25, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Utilization Review of the Surgical Treatment of

(Over)

Morbid Obesity.

(b) The Task Force consists of the following members:

(1) two representatives of the Maryland Hospital Association, appointed by the Maryland Hospital Association;

(2) four members appointed by the Maryland Insurance Administration, as follows:

(i) two representatives of health maintenance organizations in the State;

(ii) one representative of a nonprofit health service plan in the State; and

(iii) one representative of a health insurer in the State;

(3) five physicians appointed by the Department of Health and Mental Hygiene, including:

(i) two endocrinologists or internists with special expertise in bariatric medicine; and

(ii) one bariatric surgeon;

(4) one consumer appointed by the Maryland Weight Loss Surgery Legislative Action Committee; and

(5) one representative of the Maryland Health Care Commission.

(c) The members of the Task Force shall appoint a chairman from among the members.

(d) A member of the Task Force is not entitled to compensation or reimbursement for expenses.

(e) The Task Force shall:

(1) review the utilization review procedures currently used by health insurance carriers that provide surgical treatment for morbid obesity under § 15-839 of the Insurance Article;

(2) review the National Institutes of Health guidelines and any other nationally recognized guidelines or criteria for the surgical treatment of morbid obesity; and

(3) recommend a set of guidelines or criteria that are appropriate for the utilization review of the surgical treatment of morbid obesity, and reasonable procedures for documenting patient compliance with the guidelines or criteria.

(f) The Task Force shall report its findings and recommendations, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on or before December 1, 2004.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 15, 2004, the Maryland Insurance Administration shall report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee, for the period from June 1, 2004, through November 30, 2004, on:

(1) the number of complaints filed with the Administration relating to the denial of coverage for the surgical treatment of morbid obesity;

(2) the health insurance carrier that denied coverage and the reason given for the denial; and

(3) whether the Administration upheld or reversed the denial of coverage and the basis of the decision.”.

AMENDMENT NO. 4

On page 2, in line 26, strike “2.” and substitute “4.”; and in line 27, after “2004.” insert “It shall remain effective for a period of 1 year and, at the end of May 31, 2005, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.