

C. WITHIN 270 DAYS OF THEIR ENROLLMENT MAY NOT RECEIVE MORE THAN 50% OF ITS CAPITATION PAYMENTS.

~~(4) A MANAGED CARE ORGANIZATION MAY NOT DENY AN APPLICATION FOR PARTICIPATION OR TERMINATE PARTICIPATION ON ITS PROVIDER PANEL SOLELY ON THE BASIS OF THE LICENSE, CERTIFICATION, OR OTHER AUTHORIZATION OF THE PROVIDER TO PROVIDE SERVICES IF THE MANAGED CARE ORGANIZATION PROVIDES SERVICES WITHIN THE PROVIDER'S LAWFUL SCOPE OF PRACTICE.~~

[(3) The Secretary shall ensure participation in the development of the managed care program by the involvement of a broad-based steering committee including legislative, consumer, and provider representation.

(4) The Secretary shall submit to the Senate Finance Committee and House Environmental Matters Committee of the General Assembly for their review any proposals developed under paragraph (1) of this subsection prior to requesting approval by the U.S. Department of Health and Human Services under § 1115 of the Social Security Act.]

~~(5)~~ (11) THE DEPARTMENT SHALL:

(I) ESTABLISH AND MAINTAIN AN OMBUDSMAN PROGRAM AND A LOCALLY ACCESSIBLE ENROLLEE HOTLINE;

(II) PERFORM FOCUSED MEDICAL REVIEWS OF MANAGED CARE ORGANIZATIONS, INCLUDING REVIEWS OF SPECIAL POPULATIONS THAT INCLUDE REVIEWS OF HOW THE MANAGED CARE ORGANIZATIONS ARE PROVIDING HEALTH CARE SERVICES TO SPECIAL POPULATIONS;

(III) PROVIDE TIMELY FEEDBACK TO EACH MANAGED CARE ORGANIZATION ON ITS COMPLIANCE WITH THE DEPARTMENT'S QUALITY AND ACCESS SYSTEM;

~~(III)~~ (IV) ESTABLISH AND MAINTAIN WITHIN THE DEPARTMENT A PROCESS FOR HANDLING PROVIDER COMPLAINTS ABOUT MANAGED CARE ORGANIZATIONS; AND

~~(IV)~~ (V) ADOPT REGULATIONS RELATING TO APPEALS BY MANAGED CARE ORGANIZATIONS OF PENALTIES IMPOSED BY THE DEPARTMENT, INCLUDING REGULATIONS PROVIDING FOR AN APPEAL TO THE OFFICE OF ADMINISTRATIVE HEARINGS.

~~(6)~~ (12) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE DEPARTMENT SHALL DELEGATE RESPONSIBILITY FOR MAINTAINING THE OMBUDSMAN PROGRAM FOR A COUNTY TO THAT COUNTY'S LOCAL HEALTH DEPARTMENT ON THE REQUEST OF THE LOCAL HEALTH DEPARTMENT.

(II) A LOCAL HEALTH DEPARTMENT MAY NOT SUBCONTRACT THE OMBUDSMAN PROGRAM.