

A022-0910

10 AN ACT CONCERNING

20 **Health Care – MaryCare**

30 FOR the purpose of establishing MaryCare;

40 BY adding to

50 Article – Health – General

60 Title 9 – Maryland Public Charter School Program

70 Section §9–102, §9–104, §9–106, §9–110

80 Annotated Code of Maryland

90 **SECTION 1.** BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the
100 laws of Maryland read as follows:

110 **Article – Health – General**

120 **TITLE 25. MaryCare.**

130 **SUBTITLE 1. DEFINITIONS.**

140 §25–101.

150 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

160 (I) “MARYCARE” MEANS THE NEWLY CREATED MARYLAND HEALTH CARE SYSTEM;
170 AND

180 (II) “BOARD” MEANS THE MARYCARE BOARD OF DIRECTORS; AND

190 (III) “FUND” MEANS THE MARYCARE TRUST FUND; AND

200 (IV) “HEALTH CARE PROVIDER” MEANS ANY HOSPITAL, MEDICAL CLINIC, LICENSED
210 DOCTOR, LICENSED NURSE OR ANY OTHER LICENSED MEDICAL PROVIDER; AND

220 (V) “GLOBAL BUDGET” MEANS THE CUMULATIVE BUDGET FOR ALL HEALTH CARE
230 SPENDING; AND

240 (VI) “SERVICE” MEANS HEALTH CARE SERVICES INCLUDING BUT NOT LIMITED TO
250 PREVENTATIVE CARE SERVICES, DOCTORS VISITS, SURGERIES AND PRESCRIPTION
260 DRUGS.

280 **SUBTITLE 2. MARYCARE ESTABLISHED.**

290 §25–201.

300 (A) MARYCARE IS HEREBY ESTABLISHED.

310 (B) THE PURPOSES OF MARYCARE ARE TO:

320 (1) PROVIDE:

330 (I) A PUBLICLY FINANCED HEALTH CARE SYSTEM;

340 (II) QUALITY HEALTH CARE TO ALL RESIDENCES OF THE STATE OF
350 MARYLAND;

360 AND

370 (III) CHOICE OF HEALTH CARE PROVIDER TO ALL RESIDENCES OF THE
380 STATE OF MARYLAND;

390 (2) REMOVE THE BURDEN OF PROVIDING HEALTH CARE FROM CORPORATIONS OF
400 MARYLAND; AND

410 (3) ENSURE MARYLANDS LONG-TERM FISCAL SOLVENCY BY LOWERING HEALTH

420 CARE COSTS.

430 (C) SHOULD A NATIONAL HEALTH CARE SYSTEM BE CREATED, MARYCARE WILL
440 BECOME A PART OF THAT SYSTEM.

450 340§25–202.

460 (A) ALL RESIDENTS OF THE STATE OF MARYLAND ARE:

470 (I) ENTITLED TO ALL HEALTH CARE BENEFITS UNDER MARYCARE; AND

480 (II) MAY NOT BE DENIED QUALIFYING HEALTH CARE UNDER ANY

490 CIRCUMSTANCE, SUCH AS BUT NOT LIMITED TO, PRE-EXISTING MEDICAL

500 CONDITIONS, CRIMINAL ACCUSATIONS, BANKRUPTCY, OR FAILURE TO PAY

510 STATE TAXES.

520 (B) HEALTH CARE PROVIDERS IN THE STATE OF MARYLAND:

530 (I) ARE NOT REQUIRED TO ACCEPT MARYCARE; AND

540 (II) MAY NOT REFUSE HEALTH CARE SERVICES ON THE BASIS OF RACE, COLOR,

550 INCOME LEVEL, NATIONAL ORIGIN, RELIGION, GENDER, HEALTH CONDITION,

560 AGE, LANGUAGE, SEXUAL ORIENTATION, FAMILY STATUS, OR GEOGRAPHY.

570 **SUBTITLE 3. THE MARYCARE BOARD OF DIRECTORS.**

580 §25–301.

590 (A) THE MARYCARE BOARD OF DIRECTORS IS HEREBY ESTABLISHED.

600 (B) THE BOARD SHALL CONSIST OF 15 MEMBERS:

610 (I) 10 MEMBERS SHALL BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY
620 3/5S OF THE SENATE USING THE FOLLOWING CRITERIA:

630 (1) EACH APPOINTED MEMBER MUST HAVE AT LEAST 10 YEARS OF

640 EXPERIENCE IN THE HEALTH CARE INDUSTRY; AND

650 (2) HAVE REACHED THE AGE OF 35; AND

660 (3) HAVE NOT COMMITTED A CRIME IN ANY STATE; AND

670 (4) THE APPOINTEES MUST REPRESENT AT LEAST ONE OF THE FOLLOWING
680 GROUPS:

690 (I) DOCTORS AND NURSES; AND

700 (II) HOSPITAL ADMINISTRATORS; AND

710 (III) THE MARYLAND CHAMBER OF COMMERCE; AND

720 (IV) A STATE-WIDE LABOR ORGANIZATION OR UNION;

730 (5) NO APPOINTEE MAY BE EMPLOYED OR HAVE BEEN EMPLOYED IN THE 3
740 YEARS BEFORE AND AFTER THEIR TERM(S) BY:

750 (I) A PHARMACEUTICAL COMPANY; OR

760 (II) AN INSURANCE COMPANY; OR

770 (III) A MEDICAL SUPPLY COMPANY;

780 (II) THE COMPTROLLER SHALL BE A MEMBER; AND

790 (III) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL BE A MEMBER;

800 AND

810 (IV) THE PRESIDENT OF THE SENATE OR MEMBER OF THE SENATE APPOINTED BY

820 THE PRESIDENT OF THE SENATE SHALL BE A MEMBER; AND

830 (V) THE SPEAKER OF THE HOUSE OR MEMBER OF THE HOUSE APPOINTED BY THE

840 SPEAKER OF THE HOUSE SHALL BE A MEMBER; AND

850 (VI) THE GOVERNOR SHALL BE A NON-VOTING MEMBER.

860 (C) EACH MEMBER SHALL SERVE ON THE BOARD FOR NO MORE THAN 8 YEARS:

870 (I) APPOINTED MEMBERS SHALL SERVE NO MORE THAN TWO FOUR YEAR TERMS;

880 AND

890 (II) THE COMPTROLLER, SECRETARY OF HEALTH AND MENTAL HYGIENE,
900 PRESIDENT OF THE SENATE, SPEAKER OF THE HOUSE AND THE GOVERNOR SHALL
910 SERVE ON THE BOARD SO LONG AS THEY REMAIN IN SAID OFFICES.

920 (D) THE BOARD SHALL SUBMIT A CHARTER TO THE GENERAL ASSEMBLY NO LATER
930 THAN DECEMBER 1ST, 2010:

940 (I) THE CHARTER WILL BE BINDING AND GIVEN THE FULL WEIGHT OF THE
950 GENERAL ASSEMBLY; AND

960 (II) AMENDMENTS TO THE CHARTER MUST BE SUBMITTED TO AND CONFIRMED
970 BY THE SENATE BY A 3/5S VOTE AFTER BEING APPROVED BY A MAJORITY OF THE
980 BOARD; AND

990 (III) THE CHARTER MUST REQUIRE THE BOARD TO COMPLY WITH ALL OPEN
1000 MEETING LAWS IN THE STATE OF MARYLAND; AND

1010 (IV) THE CHARTER SHALL INCLUDE:

1020 (1) OFFICIAL MEETING RULES; AND

1030 (2) THE DUTIES AND RESPONSIBILITIES OF THE FOLLOWING OFFICERS:

1040 (I) CHAIRMAN; AND

1050 (II) VICE CHAIRMAN; AND

1060 (III) TREASURER; AND

1070 (IV) SECRETARY;

1080 (3) THE SELECTION PROCESS OF OFFICERS, WHICH MUST INCLUDE THE
1090 CONSENT OF A MAJORITY OF THE BOARD.

1100 (E) DUTIES AND RESPONSIBILITIES OF THE BOARD:

1110 (I) CREATE AND OVERSEE A STATE-WIDE HEALTH INSURANCE PLAN THAT
1120 COVERS:

1130 (1) EMERGENCY HEALTH SERVICES; AND

1140 (2) CATASTROPHIC HEALTH SERVICES; AND

1150 (3) PREVENTATIVE HEALTH SERVICES; AND

1160 (4) DENTAL SERVICES; AND

1170 (5) PRESCRIPTION DRUGS; AND

1180 (6) SUBSTANCE ABUSE SERVICES; AND

1190 (7) ANY OTHER HEALTH SERVICE THE MAJORITY OF THE BOARD
1200 APPROVES.

1210 (II) CREATE POLICIES IN REGARD TO THE COORDINATION OF CARE FOR
1220 PARTICIPATING HEALTH PROVIDERS TO ABIDE BY; AND

1230 (III) CREATE AND OVERSEE A TREATMENT RESEARCH BOARD THAT WILL:

1240 (1) REPORT THE MOST EFFECTIVE TREATMENTS TO THE BOARD; AND

1250 (2) BE COMPRISED OF 10 INDIVIDUALS APPOINTED BY THE GOVERNOR
1260 AND CONFIRMED BY THE SENATE THAT MUST HAVE A MEDICAL DEGREE
1270 FROM A ACCREDITED COLLEGE OR UNIVERSITY AND BE IN GOOD
1280 STANDING WITH THE AMERICAN MEDICAL ASSOCIATION; AND

1290 (3) PUBLISH ALL FINDINGS; AND

1300 (4) NOT ASSUME ANY BINDING OR LEGAL AUTHORITY IN THE MARYCARE
1310 SYSTEM;

1320 (IV) BASED ON THE RESEARCH OF THE ORGANIZATION ESTABLISHED IN TITLE §25,
1330 SECTION 202, SUBSECTION E, SUB SECTION III, ESTABLISH GUIDELINES FOR
1340 HEALTH CARE PROVIDERS TO USE WHEN CHOOSING TREATMENTS; AND

1350 (V) DEVELOP A REIMBURSEMENT SYSTEM FOR HEALTH CARE PROVIDERS THAT:

1360 (1) REWARDS COOPERATION AND COORDINATION OF CARE; AND

1370 (2) REIMBURSES HEALTH CARE PROVIDERS BASED ON A PATIENT'S
1380 HEALTH OUTCOME, NOT BASED ON SERVICES RENDERED; AND

1390 (3) DOES NOT ENCOURAGE PROVIDERS TO MARKET TO PARTICULAR
1400 POPULATIONS OR ILLNESSES; AND

1410 (4) DOES NOT REQUIRE COINSURANCE, DEDUCTIBLES OR CO-PAYMENTS;
1420 AND

1430 (5) REIMBURSES OUT OF STATE HEALTH CARE PROVIDERS AT THE
1440 AVERAGE RATE OF HEALTH CARE INSURANCE COMPANIES IN THAT STATE
1450 IF THE SERVICE IS COVERED BY MARYCARE.
1460 (VI) DEVELOP A GLOBAL MARYCARE BUDGET THAT INCLUDES:
1470 (1) ALL COSTS ASSOCIATED WITH MARYCARE; AND
1480 (2) INDIVIDUAL OPERATING BUDGETS FOR EACH PARTICIPATING HEALTH
1490 CARE FACILITY; AND
1500 (3) A CAPITAL BUDGET FOR HEALTH CARE FACILITIES CONSTRUCTION
1510 AND RENOVATION; AND
1520 (4) A REIMBURSEMENT FUND FOR CLAIMS MADE BY HEALTH CARE
1530 PROVIDERS; AND
1540 (5) AN UNCOMPENSATED CARE FUND FOR ALL CARE PROVIDED THAT IS
1550 UNPAID FOR BY PRIVATE INSURANCE OR MARYCARE; AND
1560 (6) AN ADMINISTRATIVE BUDGET, NOT TO EXCEED 5% OF THE TOTAL
1570 GLOBAL MARYCARE BUDGET; AND
1580 (7) A BUDGET TO TRANSITION TO THE MARYCARE SYSTEM THAT SHALL
1590 NOT BE INCLUDED IN THE ADMINISTRATIVE BUDGET UNTIL 2015;
1600 (VII) DEVELOP AN ELECTRONIC CLAIM AND PAYMENT SYSTEM; AND
1610 (VIII) OVERSEE THE LICENSING OF ALL DOCTORS, NURSES, NURSE
1620 PRACTITIONERS, OR OTHER HEALTH STAFF IN THE STATE OF MARYLAND; AND
1630 (IX) ADAPT POLICIES TO ADHERE TO THE RECOMMENDATIONS OF THE PATIENT'S
1640 RIGHTS BOARD ESTABLISHED IN §25-401; AND
1650 (X) ESTABLISH ANY COMMISSION, AGENCY OR BOARD NECESSARY TO
1660 IMPLEMENT THE GOALS OF MARYCARE WITH THE APPROVAL OF THE MAJORITY
1670 OF THE HOUSE AND THE SENATE.

1680 **SUBTITLE 4. THE PATIENT'S RIGHTS BOARD.**

1690 §25-401.

1700 (A) THE PATIENT'S RIGHTS BOARD IS HEREBY ESTABLISHED.

1710 (B) THE BOARD SHALL CONSIST OF 10 MEMBERS:

1720 (I) ALL 10 MEMBERS SHALL BE APPOINTED BY THE GOVERNOR AND CONFIRMED
1730 BY 3/5S OF THE SENATE USING THE FOLLOWING CRITERIA:
1740 (1) EACH APPOINTED MEMBER MUST HAVE AT LEAST 10 YEARS OF
1750 EXPERIENCE IN THE HEALTH CARE INDUSTRY; AND
1760 (2) HAVE REACHED THE AGE OF 35; AND
1770 (3) HAVE NOT COMMITTED A CRIME IN ANY STATE; AND
1780 (4) THE APPOINTEES MUST REPRESENT AT LEAST ONE OF THE FOLLOWING
1790 GROUPS:
1800 (I) DOCTORS AND NURSES; AND
1810 (II) HOSPITAL ADMINISTRATORS; AND
1820 (III) THE MARYLAND CHAMBER OF COMMERCE; AND
1830 (IV) A STATE-WIDE LABOR ORGANIZATION OR UNION;
1840 (5) NO APPOINTEE MAY BE EMPLOYED OR HAVE BEEN EMPLOYED IN THE 3
1850 YEARS BEFORE AND AFTER THEIR TERM(S) BY:
1860 (I) A PHARMACEUTICAL COMPANY; OR
1870 (II) AN INSURANCE COMPANY; OR
1880 (III) A MEDICAL SUPPLY COMPANY;
1890 (6) NO APPOINTEE MAY SERVE OR HAVE SERVED ON THE MARYCARE
BOARD OF DIRECTORS.

1900 (C) THE DUTIES AND RESPONSIBILITIES OF THE PATIENTS BOARD SHALL BE:

1910 (I) TO ESTABLISH AN OUTREACH PROGRAM TO EDUCATE MARYLAND RESIDENTS
1920 ABOUT BENEFITS AND RIGHTS UNDER MARYCARE, INCLUDING:

1930 (1) A WEBSITE; AND
1940 (2) TOLL-FREE HOTLINE, OPERATED 24 HOURS A DAY, 7 DAYS A WEEK;
1950 AND
1960 (3) ESTABLISH OFFICES IN EACH COUNTY; AND
1970 (4) DEVELOP PROGRAMS TO REACH LOW-INCOME AND AT RISK
1980 POPULATIONS;
1990 (II) IN CONJUNCTION WITH PARAGRAPH (C) (I) OF THIS SUBSECTION, THE
2000 PATIENT'S BOARD SHALL ALSO EDUCATE THE PUBLIC ABOUT GENERAL HEALTH
2010 RISKS AND THE APPROPRIATE TREATMENT OF COMMON ILLNESSES;
2020 (III) THE PATIENT'S BOARD SHALL ESTABLISH AND OVERSEE A MEDIATION
2030 COUNCIL TO HEAR CASES OF MEDICAL MALPRACTICE:
2040 (1) THE MEDIATION COUNCIL SHALL HEAR ALL MEDICAL MALPRACTICE
2050 CASES IN THE STATE OF MARYLAND; AND
2060 (2) DETERMINE IF THE CASE SHOULD GO TO COURT; AND
2070 (3) MEMBERS OF THE COUNCIL SHALL BE APPOINTED BY THE GOVERNOR
2080 AND CONFIRMED BY THE SENATE FOR A SINGLE 10 YEAR TERM; AND
2090 (4) SHALL HAVE NO LEGAL AUTHORITY BEYOND THAT OF NEGOTIATION A
2100 SETTLEMENT CONTRACT BETWEEN TWO PARTIES IF THE COUNCIL
2120 DETERMINES THE CASE SHOULD NOT GO TO COURT.

2130 (D) THE PATIENTS BOARD SHALL RECEIVE NO LESS THAN 1% OF THE GLOBAL
2140 HEALTH BUDGET.

2150 **SUBTITLE 5. THE MARYCARE TRUST FUND.**

2160 §25-501.

2170 (A) THE MARYCARE TRUST FUND IS HEREBY ESTABLISHED.

2180 (B) THE MARYCARE BOARD OF TRUSTEES SHALL HAVE COMPLETE AUTHORITY
2190 OVER THE TRUST FUND;

2200 (I) THE COMPTROLLER SHALL OVERSEE THE TRUST FUND'S DAY TO DAY
2210 MANAGEMENT AT THE DIRECTION OF THE BOARD.

2220 (C) THE MARYLAND LEGISLATURE SHALL ADD INCOME TAX EQUAL TO 10% OF THE
2230 COMBINE INCOME OF ALL MARYLAND RESIDENTS UNDER §10-105 THAT SHALL:

2240 (I) PROGRESSIVELY DISTRIBUTED OVER ALL TAX BRACKETS; AND

2250 (II) NOT CREATE ANY NEW TAX BRACKETS; AND

2260 (III) NOT REDUCE EXISTING TAX RATES; AND

2270 (IV) SHALL BE USED FOR THE SOLE PURPOSE OF THE MARYCARE TRUST FUND.

2280 (D) THE GOVERNOR, BOARD OF PUBLIC WORKS AND COMPTROLLER DO NOT HAVE
2290 THE AUTHORITY TO USE THE DEDICATED REVENUES PUT IN THE TRUST FUND FOR
2300 ANY PURPOSE OTHER THAN HEALTH RELATED ACTIVITIES APPROVED BY THE
2310 MARYCARE BOARD OF DIRECTORS.

2320 **SUBTITLE 5. MISCELLANEOUS.**

2330 §25-601.

2340 (A) THIS TITLE DOES NOT PROHIBIT PRIVATE INSURANCE COMPANIES FROM
2350 OPERATING IN THE STATE OF MARYLAND.

2360 (B) PRIVATE INSURANCE COMPANIES OPERATING IN THE STATE OF MARYLAND
2370 MAY NOT:

2380 (I) OFFER INSURANCE PLANS TO RESIDENCE OF THE STATE OF MARYLAND THAT
2390 COVER ANY BENEFITS COVERED BY THE MARYCARE SYSTEM; AND
2400 (II) DENY ANY PERSON INSURANCE COVERAGE OF ANY KIND ON THE BASIS OF
2410 RACE, COLOR, INCOME LEVEL, NATIONAL ORIGIN, RELIGION, GENDER, HEALTH
2420 CONDITION, AGE, LANGUAGE, SEXUAL ORIENTATION, FAMILY STATUS, OR
2430 GEOGRAPHY.

2440 (C) HEALTH CARE PROVIDERS MAY NOT ACCEPT PAYMENT FOR ANY SERVICE
2450 COVERED BY THE MARYCARE SYSTEM FROM ANY PRIVATE INSURANCE COMPANY.

2460 (D) HEALTH CARE PROVIDERS MAY NOT OFFER SERVICES COVERED BY THE
MARYCARE SYSTEM FOR CASH, PROPERTY OR ANY OTHER KIND OF PAYMENT.

2470 **MANDATES:** Martin O'Malley, Governor
2480 Michael Busch, Speaker of the House
2490 Thomas V. Mike Miller, President of the Senate
2500 Kumar Barve, House Majority Leader
2510 Anthony O'Donnell, House Minority Leader
2520 Edward Kasemeyer, Senate Majority Leader
2530 David Brinkley, Senate Minority Leader

SPONSOR:

David Chase
St. Mary's College of Maryland

CO-SPONSORS:

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