

§4245. NCQA accreditation survey report

1. Access and confidentiality. The superintendent or the Commissioner of Health and Human Services may require a health maintenance organization to submit its NCQA accreditation survey report. An NCQA accreditation survey report obtained by or submitted to the superintendent or the Commissioner of Health and Human Services is confidential, is not subject to subpoena and may not be made public by the superintendent or the Commissioner of Health and Human Services except as otherwise provided in this section.

[PL 1999, c. 256, Pt. Q, §2 (NEW); PL 2003, c. 689, Pt. B, §7 (REV).]

2. Use in examination. In conducting an examination of a health maintenance organization pursuant to section 4215, the superintendent or the Commissioner of Health and Human Services has the discretion to adopt relevant findings in the NCQA accreditation survey report in whole or in part as the examiner's conclusions, if the examiner determines that the NCQA survey, by itself or in combination with the examiner's own findings, sufficiently demonstrates that the health maintenance organization has satisfied the pertinent requirements of this chapter. If the NCQA accreditation survey report indicates that the health maintenance organization may not be in compliance with one or more requirements of this chapter, the examiner may investigate and make independent findings.

[PL 1999, c. 256, Pt. Q, §2 (NEW); PL 2003, c. 689, Pt. B, §7 (REV).]

3. Examination report. The information from the NCQA accreditation survey report that sufficiently demonstrates that the health maintenance organization has satisfied the pertinent requirements of this section as adopted by the superintendent or the Commissioner of Health and Human Services pursuant to subsection 2 may be incorporated into an examination report, which is a public record except for any information relating to an individual applicant or enrollee.

[PL 1999, c. 256, Pt. Q, §2 (NEW); PL 2003, c. 689, Pt. B, §7 (REV).]

4. Use of information for regulatory purposes. The confidentiality of the NCQA accreditation survey report does not prohibit its use by the superintendent or the Commissioner of Health and Human Services for regulatory or law enforcement purposes subject to the restrictions of section 216, subsection 5 and section 226, subsection 7.

[PL 1999, c. 256, Pt. Q, §2 (NEW); PL 2003, c. 689, Pt. B, §7 (REV).]

REVISOR'S NOTE: §4245. Coverage for contraceptives (As enacted by PL 1999, c. 341, §4 and affected by §5 is REALLOCATED TO TITLE 24-A, SECTION 4247)

REVISOR'S NOTE: §4245. Coverage for services of certified nurse practitioners; certified nurse midwives (As enacted by PL 1999, c. 396, §4 and affected by §7 is REALLOCATED TO TITLE 24-A, SECTION 4248)

SECTION HISTORY

RR 1999, c. 1, §§37,38 (RAL). PL 1999, c. 256, §Q2 (NEW). PL 1999, c. 341, §4 (NEW). PL 1999, c. 341, §5 (AFF). PL 1999, c. 396, §4 (NEW). PL 1999, c. 396, §7 (AFF). PL 2003, c. 689, §B7 (REV).

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