

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

Chapter 18 Denials of Coverage Based on Medical Necessity

Authority: Insurance Article, §2-109 and Title 15, Subtitle 10A, Annotated Code of Maryland

.05 Procedures for Emergency Cases.

A. An expedited review of an adverse decision in accordance with this regulation is required if the:

- (1) (text unchanged)
- (2) Services are necessary to treat a condition or illness that, without immediate medical attention, would:
 - (a) (text unchanged)
 - (b) Cause the member to be in danger to self or others[.] *or*
 - (c) *Cause the member to continue using intoxicating substances in an imminently dangerous manner.*

B. (text unchanged)

.11 Demonstration of Compelling Reason to File Complaint.

A. A member, a member's representative, or a health care provider on behalf of a member may file a complaint without first exhausting the internal grievance process of a carrier if the complaint demonstrates to the satisfaction of the Commissioner a compelling reason to do so[.]. *A compelling reason includes* showing that the potential delay in receipt of a health care service until after the member or health care provider exhausts the internal grievance process and obtains a final decision under the grievance process could result in:

- (1) Loss of life[.];
- (2) Serious impairment to a bodily function[.];
- (3) Serious dysfunction of a bodily organ[.];
- (4) The member remaining seriously mentally ill *or using intoxicating substances* with symptoms that cause the member to be in danger to self or others[.];*or*
- (5) *The member currently having severe withdrawal symptoms.*

B. *A member is considered to be in danger to self or others if the member is unable to function in activities of daily living or care for self without imminent dangerous consequences.*

C. (text unchanged)