

1 to cease and desist from engaging in any act or practice in violation of
2 the provisions of this ~~Article~~ Article or any other provision of this
3 Chapter that expressly applies to health maintenance organizations.

- 4 (2) Within 30 days after service of the ~~order of cease and desist, cease and~~
5 ~~desist order,~~ the respondent may request a hearing on the question of
6 whether acts or practices have occurred that are in violation of this
7 ~~Article have occurred.~~ Article or any other provision of this Chapter
8 that expressly applies to health maintenance organizations. Such ~~The~~
9 hearing shall be conducted ~~pursuant to~~ under Article 3A of Chapter
10 150B of the General Statutes, and judicial review shall be available as
11 provided by the said Chapter 150B. Article 4 of Chapter 150B of the
12 General Statutes.

13 (e) In the case of any violation of the provisions of this ~~Article,~~ Article or any
14 other provision of this Chapter that expressly applies to health maintenance
15 organizations, if the Commissioner elects not to issue a cease and desist order, or in the
16 event of noncompliance with a cease and desist order issued ~~pursuant to subsection (d),~~
17 under subsection (d) of this section, the Commissioner may institute a proceeding to
18 obtain injunctive relief, or seeking other appropriate relief, in the Superior Court of
19 Wake County."

20 **SECTION 2.** G.S. 58-67-170 reads as rewritten:

21 "**§ 58-67-170. Statutory construction and relationship to other laws.**

22 (a) Except as otherwise provided in this ~~Article,~~ Chapter, provisions of the
23 insurance laws and ~~provisions of hospital or medical service corporation laws shall not~~
24 ~~be applicable~~ do not apply to any health maintenance organization ~~granted a certificate~~
25 ~~of authority~~ licensed under this Article. This ~~provision shall~~ subsection does not apply
26 to an insurer or ~~hospital or medical service corporation licensed and regulated pursuant~~
27 ~~to~~ under the insurance laws or the ~~hospital or medical service corporation laws of this~~
28 State except with respect to its health maintenance organization activities authorized
29 and regulated ~~pursuant to~~ under this ~~Article.~~ Article or any other provision of this
30 Chapter that expressly applies to health maintenance organizations.

31 (b) Solicitation of enrollees by a health maintenance organization granted a
32 ~~certificate of authority,~~ license, or its representatives, shall not be construed to violate
33 any provision of law relating to solicitation or advertising by health professionals.

34 (c) Any health maintenance organization authorized under this Article shall not
35 be deemed to be practicing medicine or dentistry and shall be exempt from the
36 provisions of Chapter 90 of the General Statutes relating to the practice of medicine and
37 dentistry; provided, however, that this exemption does not apply to individual providers
38 under contract with or employed by the health maintenance organization."

39 **SECTION 3.** This act is effective when it becomes law.