

SENATE BILL 183

C3

EMERGENCY BILL

0lr0896

By: **Senator Lam**

Introduced and read first time: January 15, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Health Benefit Plans – Special Enrollment Period for**
3 **Pregnancy**

4 FOR the purpose of altering the circumstances under which certain health benefit plans
5 and certain carriers are required to provide a special enrollment period during which
6 certain individuals who become pregnant may enroll in a health benefit plan;
7 altering the date on which the special enrollment period for certain individuals who
8 become pregnant begins; altering the effective dates of coverage for certain
9 individuals who enroll in certain health benefit plans during certain special
10 enrollment periods; repealing a certain defined term; providing for the application of
11 this Act; making conforming changes; making this Act an emergency measure; and
12 generally relating to special enrollment periods for pregnancy.

13 BY repealing and reenacting, without amendments,
14 Article – Insurance
15 Section 15–1201(a)
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2019 Supplement)

18 BY repealing
19 Article – Insurance
20 Section 15–1201(j)
21 Annotated Code of Maryland
22 (2017 Replacement Volume and 2019 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Insurance
25 Section 15–1208.1(c)(5), (e)(2), and (f)(2) and 15–1316(a), (c)(2), (d)(2), (e), and (f)(2)
26 Annotated Code of Maryland
27 (2017 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY renumbering
 2 Article – Insurance
 3 Section 15–1201(k) through (bb), respectively
 4 to be Section 15–1201(j) through (aa), respectively
 5 Annotated Code of Maryland
 6 (2017 Replacement Volume and 2019 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 8 That the Laws of Maryland read as follows:

9 **Article – Insurance**

10 15–1201.

11 (a) In this subtitle the following words have the meanings indicated.

12 [(j) “Health care practitioner” has the meaning stated in § 1–301 of the Health
 13 Occupations Article.]

14 15–1208.1.

15 (c) All small employer health benefit plans shall provide a special enrollment
 16 period during which the following individuals may be enrolled under the health benefit
 17 plan:

18 (5) (i) an eligible employee who becomes pregnant, as [confirmed]
 19 **ATTESTED TO** by [a health care practitioner] **THE ELIGIBLE EMPLOYEE**; and

20 (ii) an eligible employee’s spouse or dependent who becomes
 21 pregnant, as [confirmed] **ATTESTED TO** by [a health care practitioner] **THE SPOUSE OR**
 22 **DEPENDENT**, provided the spouse or dependent is otherwise eligible for coverage.

23 (e) (2) The special enrollment period under subsection (c)(5) of this section
 24 shall:

25 (i) be open for a period of 90 days; and

26 (ii) begin on the date [a health care practitioner confirms the
 27 pregnancy] **THE ELIGIBLE EMPLOYEE OR THE ELIGIBLE EMPLOYEE’S SPOUSE OR**
 28 **DEPENDENT ATTESTS TO RECEIVING CONFIRMATION OF THE PREGNANCY**.

29 (f) (2) If an eligible employee **OR AN ELIGIBLE EMPLOYEE’S SPOUSE OR**
 30 **DEPENDENT** enrolls [an individual] **IN A HEALTH BENEFIT PLAN DURING A SPECIAL**
 31 **ENROLLMENT PERIOD** described in subsection (c)(5) of this section [in a health benefit
 32 plan], the coverage shall become effective on the first day of the month in which:

1 (I) the [individual receives] **ELIGIBLE EMPLOYEE OR THE**
2 **ELIGIBLE EMPLOYEE'S SPOUSE OR DEPENDENT ATTESTS TO RECEIVING** confirmation
3 of **THE** pregnancy; **OR**

4 (II) **THE ELIGIBLE EMPLOYEE OR THE ELIGIBLE EMPLOYEE'S**
5 **SPOUSE OR DEPENDENT ENROLLS IN THE HEALTH BENEFIT PLAN.**

6 15–1316.

7 (a) (1) In this section the following words have the meanings indicated.

8 (2) “Dependent” means an individual who is or who may become eligible
9 for coverage under the terms of a health benefit plan because of a relationship with another
10 individual.

11 [(3) “Health care practitioner” has the meaning stated in § 1–301 of the
12 Health Occupations Article.]

13 [(4) (3) “Qualifying coverage in an eligible employer–sponsored plan”
14 has the meaning stated in 45 C.F.R. § 155.300.

15 (c) A carrier participating in the Individual Exchange shall provide:

16 (2) a special enrollment period for an individual who purchases coverage
17 through the Individual Exchange if the individual or a dependent of the individual becomes
18 pregnant, as [confirmed] **ATTESTED TO** by [a health care practitioner] **THE INDIVIDUAL**
19 **OR THE DEPENDENT OF THE INDIVIDUAL.**

20 (d) A carrier shall provide:

21 (2) a special enrollment period for an individual who purchases coverage
22 outside the Individual Exchange if the individual or a dependent of the individual becomes
23 pregnant, as [confirmed] **ATTESTED TO** by [a health care practitioner] **THE INDIVIDUAL**
24 **OR THE DEPENDENT OF THE INDIVIDUAL.**

25 (e) A special enrollment period described in subsection (c)(2) or (d)(2) of this
26 section shall:

27 (1) be open for a period of 90 days; and

28 (2) begin on the date [the health care practitioner confirms the pregnancy]
29 **THE INDIVIDUAL OR THE DEPENDENT OF THE INDIVIDUAL ATTESTS TO RECEIVING**
30 **CONFIRMATION OF THE PREGNANCY.**

31 (f) (2) If an individual enrolls for coverage or enrolls a dependent for coverage
32 during a special enrollment period described in subsection (c)(2) or (d)(2) of this section, the

1 coverage shall become effective on the first day of the month in which:

2 (I) the individual [receives] OR THE DEPENDENT OF THE
3 INDIVIDUAL ATTESTS TO RECEIVING confirmation of THE pregnancy; OR

4 (II) THE INDIVIDUAL OR THE DEPENDENT OF THE INDIVIDUAL
5 ENROLLS FOR COVERAGE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 15–1201(k) through
7 (bb), respectively, of Article – Insurance of the Annotated Code of Maryland be renumbered
8 to be Section(s) 15–1201(j) through (aa), respectively.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all
10 policies, contracts, and health benefit plans issued, delivered, amended, or renewed in the
11 State on or after the effective date of this Act.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency
13 measure, is necessary for the immediate preservation of the public health or safety, has
14 been passed by a ye and nay vote supported by three–fifths of all the members elected to
15 each of the two Houses of the General Assembly, and shall take effect from the date it is
16 enacted.