

WHEREAS, Among the health care benefits available to citizens of this State under health insurance policies regulated by this State are certain maternity and childbirth benefits, alcoholic and drug rehabilitation benefits, mental health care benefits, benefits for prosthetic devices and orthopedic braces, and home health care benefits; and

WHEREAS, The State of Maryland has passed laws regulating insurance policies which have enabled the people of the State to have the opportunity to select the health care professional of their choice; and

WHEREAS, These laws enabled citizens of this State to feel confident that these health care benefits and services will be provided by insurance policies regulated by this State; and

WHEREAS, Since the passage of Employment Employee Retirement Income Security Act (ERISA) in 1974, a series of court cases have arisen that interpreted Section 514 of Employment Employee Retirement Income Security Act, 29 U.S.C. § 1144, as preempting state regulation of insurance in certain areas; and

WHEREAS, Maryland courts are deciding if the insurance laws of this State are preempted by Employment Employee Retirement Income Security Act in certain areas; and

WHEREAS, While a purpose of Employment Employee Retirement Income Security Act is to allow uniform insurance coverage in all states, there are no federal rules or regulations that define what a uniform policy should contain; and

WHEREAS, Some citizens of this State would be left without the needed protections that State laws provide, including the health care benefits and services provided by Article 48A of the Code; and

WHEREAS, The citizens of this State who have insurance policies that are regulated by Employment Employee Retirement Income Security Act do not know that they are not receiving the protection of State laws regulating benefits and service; and

WHEREAS, Regulation of insurance by Employment Employee Retirement Income Security Act would provide different treatment of the citizens of this State than would State regulation; and

WHEREAS, Citizens of this State can no longer feel confident that the State will protect them by regulating all health insurance policies; and

WHEREAS, Regulations of insurance has traditionally been the function of the states since the McCarran Act in 1945; and

WHEREAS, States are better suited to regulate the insurance carriers because, unlike the federal government, states already have established regulation mechanisms; and