

~~(2) THE EXCLUSION OF COVERAGE FOR PREEXISTING CONDITIONS DOES NOT APPLY TO HEALTH CARE SERVICES FURNISHED TO NEWBORNS.~~

~~(3) A HEALTH BENEFIT PLAN THAT CHOOSES NOT TO USE A PREEXISTING CONDITION PROVISION MAY IMPOSE ON ENROLLEES A WAITING PERIOD NOT TO EXCEED 30 DAYS BEFORE THE COVERAGE UNDER THIS PROGRAM IS EFFECTIVE. DURING THE WAITING PERIOD, THE HEALTH BENEFIT PLAN IS NOT REQUIRED TO PROVIDE HEALTH CARE SERVICES OR BENEFITS AND A PREMIUM MAY NOT BE CHARGED TO THE ENROLLEE.~~

~~(E) A PARTICIPATING CARRIER SHALL WAIVE ANY TIME PERIOD APPLICABLE TO A PREEXISTING CONDITION PROVISION OR LIMITATION PERIOD WITH RESPECT TO PARTICULAR SERVICES FOR THE PERIOD OF TIME AN ENROLLEE WAS PREVIOUSLY COVERED BY A PLAN THAT PROVIDED AT LEAST THE SAME OR SIMILAR BENEFITS, IF THE QUALIFYING PREVIOUS COVERAGE WAS CONTINUOUS TO A DATE WITHIN THE 30 DAY PERIOD IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF THE NEW COVERAGE.~~

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~~(A) (1) IN ESTABLISHING THE RATE FOR A HEALTH BENEFIT PLAN, A CARRIER SHALL USE A RATING METHODOLOGY:~~

~~(I) IN WHICH THE PREMIUM IS THE SAME FOR ALL INDIVIDUALS COVERED BY THAT HEALTH BENEFIT PLAN; AND~~

~~(II) THAT IS BASED ON THE EXPERIENCE OF THE ENTIRE POOL OF RISKS COVERED BY THAT PLAN WITHOUT REGARD TO AGE, GENDER, GEOGRAPHY, HEALTH STATUS, OR OCCUPATION.~~

~~(2) RATES MAY VARY BASED ON FAMILY COMPOSITION.~~

~~(B) (1) IN THIS SUBSECTION, "RISK ADJUSTMENT MECHANISM" MEANS A STATISTICALLY BASED PROCESS THAT MAY BE USED TO ADJUST PAYMENTS TO CARRIERS TO OFFSET DISPROPORTIONATE SHARES OF HIGH OR LOW RISK ENROLLEES BY PARTICULAR CARRIERS.~~

~~(2) THE COMMISSION SHALL GATHER THE NECESSARY DATA TO STUDY THE NEED FOR A RISK ADJUSTMENT MECHANISM THAT COULD BE IMPLEMENTED TO CARRY OUT THIS SUBTITLE. A RISK ADJUSTMENT MECHANISM MAY BE IMPLEMENTED AS THE COMMISSION DEEMS NECESSARY. A RISK ADJUSTMENT MECHANISM ADOPTED BY THE COMMISSION SHALL BE BASED ON OBJECTIVE DEMOGRAPHIC, GEOGRAPHIC, AND OTHER DATA REFLECTING ENROLLEES' ACTUARIAL RISK, AND THE METHODS AND MECHANISM SHALL BE SUBJECT TO A PUBLIC COMMENT PERIOD. THE COMMISSION SHALL DISCLOSE THE RISK ADJUSTMENT MECHANISM TO CARRIERS BEFORE IT IS IMPLEMENTED.~~

~~(3) ANY RISK ADJUSTMENT MECHANISM THAT IS ADOPTED AND EACH IMPLEMENTATION OF THE RISK ADJUSTMENT MECHANISM SHALL BE FILED WITH THE INSURANCE COMMISSIONER.~~