

WILLIAM DONALD SCHAEFER, Governor

(13) A nonprofit community service corporation incorporated under Maryland law that is authorized to collect charges or assessments[.]; AND

(14) HOUSING AUTHORITIES CREATED UNDER ARTICLE 44A OF THE CODE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1988.

May 27, 1988

The Honorable R. Clayton Mitchell, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 1278.

This bill would require all health insurance contracts or policies that provide coverage for diagnostic or surgical procedures involving a bone or joint of the skeletal structure to provide the same coverage for the same diagnostic or surgical procedures involving a bone or joint of the face, neck, or head.

This legislation is intended to provide coverage for diagnostic and surgical procedures of the "Temporomandibular Joint" (TMJ - the hinge where the lower jaw meets the upper). While Blue Cross/Blue Shield of Maryland already provides this coverage, I am informed that several companies in Maryland do not.

My main concern regarding House Bill 1278 concerns several serious interpretative problems that are the result of amendments to the legislation. The Acting Insurance Commissioner believes that challenges to the statute could arise, and that it might require litigation to resolve the issues.

Subsection (b) reads in part "This section may not be construed to affect any coverage required under this article...". While the intention may have been to limit the affect of the bill on other provisions of Article 48A (the Insurance Code) of the Annotated Code of Maryland, the Insurance Division is concerned that it might be required to interpret the statute in accordance with the actual words, which seem to make the bill a nullity.