

SECTION 6. AND BE IT FURTHER ENACTED, That if Section 3 of this Act takes effect on the occurrence of the events specified in Section 5 or 7 of this Act, the Insurance Commissioner shall ensure that contracts and policies issued to employers and groups that are eligible to sponsor health benefit plans under the Employee Retirement Income Security Act, shall be effective for 3 years and that appropriate sanctions are included in the policies or contracts in the event of cancellation before the end of the 3-year period.

SECTION 7. AND BE IT FURTHER ENACTED, That if the Employee Retirement Income Security Act is amended to allow for state control of employee health benefit plans and the State of Maryland obtains that control in accordance with federal law, Section 3 of this Act shall take effect on the first January 1 after the date that is 1 year from the date on which the State obtains that control.

~~SECTION 8. AND BE IT FURTHER ENACTED, That the Insurance Commissioner shall convene a technical advisory committee to provide advice and recommendations to the Commissioner on the need for a reinsurance pool or other risk sharing mechanisms to encourage insurers to remain in or enter the group or individual health insurance market. The Commissioner shall submit a report in accordance with § 2-1312 of the State Government Article by January 1, 1995.~~

SECTION 8. AND BE IT FURTHER ENACTED, That notwithstanding any other provision of law, the Secretary of Health and Mental Hygiene shall establish a program subject to the review of the Joint Committee on Health Care Delivery and Financing as authorized under federal law to allow the Department of Health and Mental Hygiene to enter into prepaid or capitated arrangements under which services are made available to medical assistance recipients by health care providers that are not health maintenance organizations and that do not hold a certificate of authority to operate as insurers.

SECTION 9. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction or by the Health Care Finance Administration or the United States Department of Health and Human Services, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 10. AND BE IT FURTHER ENACTED, That the Maryland Health Care Access and Cost Commission shall examine the desirability of seeking a waiver from the Federal Employee Retirement Income Security Act for the State for small employers subject to the provisions of this Act, or for larger groups. The Commission shall include the results of that examination in its annual report submitted to the Governor, the Secretary of Health and Mental Hygiene, and the General Assembly under § 19-1510(b) of the Health - General Article on October 1, 1994.

SECTION 11. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly for the Governor to provide funding for the Maryland Health Care Access and Cost Commission beginning on July 1, 1993. Notwithstanding any other provision of law, the Governor may provide a deficiency appropriation in the budget submitted at the 1994 Legislative Session in order to provide funding to support the Maryland Health Care Access