

(iii) Within an area where the health maintenance organization reasonably anticipates, and demonstrates to the satisfaction of the Commissioner, that it will not have the capacity within the area in its network of providers to deliver service adequately because of its obligations to existing group contract holders and enrollees

(2) A health maintenance organization that does not offer coverage under paragraph (1)(iii) of this subsection may not offer coverage in the applicable area to any individuals or groups until the later of 180 days following any refusal to do so, or the date on which the carrier notifies the Commissioner that it has regained capacity to deliver services to individuals or groups

(d) A carrier may not be required to offer coverage under subsection (a) of this section for so long as the Commissioner finds that the coverage would place the carrier in a financially impaired condition

(e) (1) To sell health benefit plans to individuals or groups in the State, a carrier shall file its proposed health benefit plans with the Commissioner on or before May 1, 1994

(2) Unless the Commissioner has previously disapproved its use, the carrier's health benefit plans for individuals or groups will be deemed approved 60 days after filing with the Commissioner

SECTION 3 AND BE IT FURTHER ENACTED, That Section 2 of this Act is contingent on the taking effect of the contingency provisions specified in Sections 5 or 7 of Chapter 9 of the Acts of the General Assembly of 1993. If either of those contingency provisions in Chapter 9 takes effect, Section 1 of this Act shall be void. This Act may not be interpreted to have any effect on those contingency provisions

SECTION 4 AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1994

Approved May 26, 1994

CHAPTER 629

(House Bill 1020)

AN ACT concerning

Juvenile Causes – ~~Defense of Infancy~~ Presumption of Incapacity

FOR the purpose of providing that in delinquency proceedings there is no presumption of incapacity as a result of infancy for a child of at least a certain age

BY repealing and reenacting, with amendments

Article – Courts and Judicial Proceedings

Section 3-805

Annotated Code of Maryland