

(3) An exclusion of coverage for preexisting conditions may not be applied to health care services furnished for pregnancy or newborns.

[(4)](2) On and after January 1, 1995, a carrier may not limit coverage under a health benefit plan for a preexisting condition.

(b) Notwithstanding subsection (a) of this section, a late enrollee may be subject to a 12-month preexisting condition provision or subject to a waiting period until the next open enrollment period not to exceed a 12-month period.

(c) A health benefit plan that does not use a preexisting condition provision may impose on enrollees a waiting period not to exceed 30 days before the coverage under the health benefit plan 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.

(C) A HEALTH BENEFIT PLAN THAT DOES NOT USE A PREEXISTING CONDITION PROVISION MAY IMPOSE ON ENROLLEES:

(1) A WAITING PERIOD NOT TO EXCEED 90 DAYS; OR

(2) A SURCHARGE NOT TO EXCEED 150% OF THE COMMUNITY RATE ESTABLISHED PURSUANT TO § 702 OF THIS SUBTITLE FOR A PERIOD OF ONE YEAR.

(d) For a period not to exceed 6 months from the date an individual becomes an eligible employee, a health benefit plan may require deductibles and cost-sharing for benefits for a preexisting condition of the eligible employee in amounts not exceeding one and one-half times the amount of the standard deductibles and cost-sharing of other eligible employees, if the employee was not previously covered by public or private health insurance or by another health benefit arrangement, and the employee was not previously employed by that employer.

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(b) A carrier that offers coverage to a small employer shall [offer coverage to all of its eligible employees]:

(1) OFFER COVERAGE TO ALL OF ITS ELIGIBLE EMPLOYEES AND TO ALL ELIGIBLE DEPENDENTS OF ALL OF ITS ELIGIBLE EMPLOYEES;

(2) AT THE ELECTION OF THE SMALL EMPLOYER, OFFER COVERAGE TO ALL PART-TIME EMPLOYEES OF THE SMALL EMPLOYER; AND

(3) AT THE ELECTION OF THE SMALL EMPLOYER, OFFER COVERAGE TO ALL EMPLOYEES OF THE SMALL EMPLOYER COVERED UNDER ANOTHER PUBLIC OR PRIVATE HEALTH BENEFIT PLAN OR OTHER HEALTH BENEFIT ARRANGEMENT;

(4) A CARRIER SHALL ESTABLISH AN ANNUAL OPEN ENROLLMENT PERIOD FOR SELF-EMPLOYED INDIVIDUALS FOR AT LEAST 30 CONSECUTIVE DAYS IN EACH 6-MONTH PERIOD; AND