

(I) COMPANIES THAT ARE AFFILIATED COMPANIES OR THAT ARE ELIGIBLE TO FILE A CONSOLIDATED FEDERAL INCOME TAX RETURN SHALL BE CONSIDERED ONE EMPLOYER; AND

(II) AN EMPLOYEE MAY NOT BE COUNTED WHO IS:

1. OTHERWISE COVERED UNDER A PUBLIC OR PRIVATE HEALTH INSURANCE PLAN OR OTHER HEALTH BENEFIT ARRANGEMENT; OR

2. A PART-TIME EMPLOYEE AS DESCRIBED IN § 15-1210(A)(1)(II) OF THIS SUBTITLE.

(C) SELF-EMPLOYED INDIVIDUAL OR SOLE PROPRIETORSHIP.

AN INDIVIDUAL IS CONSIDERED A SMALL EMPLOYER UNDER THIS SUBTITLE IF THE INDIVIDUAL IS A SELF-EMPLOYED INDIVIDUAL OR SOLE PROPRIETORSHIP:

(1) A SUBSTANTIAL PART OF WHOSE INCOME DERIVES FROM A TRADE OR BUSINESS THROUGH WHICH THE INDIVIDUAL HAS ATTEMPTED TO EARN TAXABLE INCOME;

(2) WHO HAS FILED THE APPROPRIATE INTERNAL REVENUE FORM 1040, SCHEDULE C OR F, FOR THE PREVIOUS TAXABLE YEAR; AND

(3) FOR WHOM A COPY OF THE INTERNAL REVENUE FORM HAS BEEN FILED WITH THE CARRIER AS PROOF OF EMPLOYMENT.

(D) SELF-EMPLOYED LICENSED PROFESSIONAL.

AN INDIVIDUAL IS CONSIDERED A SMALL EMPLOYER UNDER THIS SUBTITLE IF THE INDIVIDUAL IS A SELF-EMPLOYED INDIVIDUAL WHO IS ENGAGED IN A LICENSED PROFESSION THROUGH A PROFESSIONAL CORPORATION ORGANIZED IN ACCORDANCE WITH TITLE 5, SUBTITLE 1 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE AND WHO RECEIVED HEALTH BENEFITS THROUGH A PROFESSIONAL ASSOCIATION ON OR BEFORE JUNE 30, 1994.

(E) NONPROFIT ORGANIZATION.

A PERSON IS CONSIDERED A SMALL EMPLOYER UNDER THIS SUBTITLE IF THE PERSON IS A NONPROFIT ORGANIZATION THAT HAS BEEN DETERMINED BY THE INTERNAL REVENUE SERVICE TO BE EXEMPT FROM TAXATION UNDER § 501(C)(3), (4), OR (6) OF THE INTERNAL REVENUE CODE AND HAS AT LEAST ONE ELIGIBLE EMPLOYEE.

(F) SINGLE EMPLOYEE NOT COVERED BY OTHER PLAN.

NOTWITHSTANDING SUBSECTION (B)(3)(II)1 OF THIS SECTION, IN OTHERWISE SATISFYING THE REQUIREMENTS OF SUBSECTION (B)(1) OF THIS SECTION, A PERSON IS CONSIDERED A SMALL EMPLOYER UNDER THIS SUBTITLE IF:

(1) ALL BUT ONE OF ITS ELIGIBLE EMPLOYEES ARE COVERED UNDER ANOTHER PUBLIC OR PRIVATE HEALTH BENEFIT PLAN OR OTHER HEALTH BENEFIT ARRANGEMENT; AND