(2) ONLY ONE OF ITS ELIGIBLE EMPLOYEES IS NOT COVERED UNDER ANY PUBLIC OR PRIVATE HEALTH BENEFIT PLAN OR OTHER HEALTH BENEFIT ARRANGEMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 698(q)(1), (2), (4), (5), (6), (7), and (8). It is revised as a substantive provision instead of a definition.

In subsection (b)(1)(ii) of this section, the former references to "sole proprietor", "firm", "corporation", "partnership", and "association" are deleted in light of the defined term "person".

Also in subsection (b)(1)(ii) of this section, the reference to the "governing body" of specified local government entities is substituted for the former reference to a "local government body" to reflect the term more commonly used to describe local governments. Similarly, references to appropriate articles of the Maryland Constitution are substituted for the former references to articles of the Code for accuracy.

In subsection (b)(3) of this section, the reference to the "group size specified under paragraph (1)(i) of this subsection" is substituted for the former reference to the "number of eligible employees who meet the requirements under paragraph (1)(i) of this subsection" for brevity and conformity with terminology used in subsection (2)(ii) of this section and elsewhere in this subtitle. See, e.g., § 15–1209(d)(2) of this subtitle.

In subsection (b)(3)(ii)2 of this section, the phrase "as described in § 15–1210(a)(1)(ii) of this subtitle", which modifies "part–time employee", is added because the term "part–time employee" is no longer defined for this subtitle and the definition has been incorporated into § 15–1210(a)(1)(ii) of this subtitle.

The Insurance Article Review Committee notes, for consideration by the General Assembly, that it is not clear whether the limitations on part–time employees that existed under the defined term "part–time employee" under former Art. 48A, § 698(k) (i.e., those who have a normal workweek of at least 17 1/2 but not more than 30 hours per week and who have been continuously employed for at least 4 consecutive months) were intended to apply in the context of subsection (b)(3)(ii)2 of this section. If this limitation applies, a part–time employee who works between 17 1/2 and 30 hours would not be counted as an eligible employee to determine whether an employer is a small employer under this subtitle, but a part–time employee who works less than 17 1/2 hours could be counted. A cross–reference to § 15–1210(a)(1)(ii) of this subtitle, which retains the limitations on the term part–time employee, is included in subsection (b)(3)(ii)2 of this section because that provision was enacted with the definition under Ch. 501, Acts of 1995. However, the General Assembly may wish to consider legislation to clarify the meaning of part–time employee as used in subsection (b)(3)(ii)2 of this section.

As to the revision of former Art. 48A, § 698(q)(3), which placed a limitation