

(1) SUBJECT TO THE APPROVAL OF THE COMMISSIONER AND AS PROVIDED UNDER THIS SUBSECTION AND § 15-1209(D) OF THIS SUBTITLE, A CARRIER MAY IMPOSE REASONABLE MINIMUM PARTICIPATION REQUIREMENTS.

(2) A CARRIER MAY NOT IMPOSE A REQUIREMENT FOR MINIMUM PARTICIPATION BY THE ELIGIBLE EMPLOYEES OF A SMALL EMPLOYER THAT IS GREATER THAN 75%.

(3) IN APPLYING A MINIMUM PARTICIPATION REQUIREMENT TO DETERMINE WHETHER THE APPLICABLE PERCENTAGE OF PARTICIPATION IS MET, A CARRIER MAY NOT CONSIDER AS ELIGIBLE EMPLOYEES THOSE WHO HAVE COVERAGE UNDER A PUBLIC OR PRIVATE PLAN OF HEALTH INSURANCE OR ANOTHER HEALTH BENEFIT ARRANGEMENT, INCLUDING MEDICARE, MEDICAID, AND CHAMPUS, THAT PROVIDES BENEFITS SIMILAR TO OR EXCEEDING THE BENEFITS PROVIDED UNDER THE STANDARD PLAN.

(D) ACTUARIAL CERTIFICATIONS.

(1) ON OR BEFORE MARCH 15 OF EACH YEAR, EACH CARRIER SHALL FILE AN ACTUARIAL CERTIFICATION WITH THE COMMISSIONER.

(2) THE ACTUARIAL CERTIFICATION SHALL BE WRITTEN IN A FORM THAT THE COMMISSIONER APPROVES, BY A MEMBER OF THE AMERICAN ACADEMY OF ACTUARIES OR ANOTHER PERSON ACCEPTABLE TO THE COMMISSIONER AND SHALL STATE THAT THE CARRIER IS IN COMPLIANCE WITH THIS SUBTITLE AND HAS FOLLOWED THE RATING PRACTICES IMPOSED UNDER § 15-1205 OF THIS SUBTITLE.

(3) THE ACTUARIAL CERTIFICATION SHALL BE BASED ON AN EXAMINATION THAT INCLUDES A REVIEW OF APPROPRIATE RECORDS AND ACTUARIAL ASSUMPTIONS AND METHODS USED BY THE CARRIER.

(E) RECORDS.

(1) TO INDICATE COMPLIANCE WITH SUBSECTIONS (B) AND (C)(1) OF THIS SECTION AND § 15-1205(D) OF THIS SUBTITLE, A CARRIER SHALL MAINTAIN INFORMATION AND DOCUMENTATION THAT IS SATISFACTORY TO THE COMMISSIONER.

(2) A CARRIER SHALL:

(I) RETAIN ALL INFORMATION AND DOCUMENTATION REQUIRED UNDER THIS SUBTITLE AT ITS PRINCIPAL PLACE OF BUSINESS FOR A PERIOD OF 5 YEARS; AND

(II) MAKE THE INFORMATION AND DOCUMENTATION AVAILABLE TO THE COMMISSIONER ON REQUEST.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 698(b) and (q)(3) and 703(b), (c), (d)(2), (e), (f), and (g).

In subsection (c)(2) of this section, the former reference to a minimum participation requirement "for a small employer" is deleted as surplusage.