

(II) A COURT HAS ORDERED COVERAGE TO BE PROVIDED FOR A SPOUSE OR MINOR CHILD UNDER A COVERED EMPLOYEE'S HEALTH BENEFIT PLAN; OR

(III) A REQUEST FOR ENROLLMENT IS MADE WITHIN 30 DAYS AFTER THE ELIGIBLE EMPLOYEE'S MARRIAGE OR THE BIRTH OR ADOPTION OF A CHILD.

(2) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, A LATE ENROLLEE MAY BE SUBJECT TO A 12-MONTH PREEXISTING CONDITION PROVISION OR A WAITING PERIOD UNTIL THE NEXT OPEN ENROLLMENT PERIOD NOT TO EXCEED A 12-MONTH PERIOD.

(C) WAITING PERIOD.

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) FOR 1 YEAR, A SURCHARGE NOT TO EXCEED 1.5 TIMES THE COMMUNITY RATE ESTABLISHED IN ACCORDANCE WITH § 15-1205 OF THIS SUBTITLE.

(D) DEDUCTIBLES AND COST-SHARING.

FOR A PERIOD NOT TO EXCEED 6 MONTHS AFTER 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 1.5 TIMES THE AMOUNT OF THE STANDARD DEDUCTIBLES AND COST-SHARING OF OTHER ELIGIBLE EMPLOYEES IF:

(1) THE EMPLOYEE WAS NOT PREVIOUSLY COVERED BY A PUBLIC OR PRIVATE PLAN OF HEALTH INSURANCE OR ANOTHER HEALTH BENEFIT ARRANGEMENT; AND

(2) THE EMPLOYEE WAS NOT PREVIOUSLY EMPLOYED BY THAT EMPLOYER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 701 and 698(i)(2).

In subsection (a)(1) of this section, the former effective date "January 1, 1995" is deleted as unnecessary since that date has passed.

The Insurance Article Review Committee notes, for consideration by the General Assembly, that there is no provision for deductibles or cost-sharing in connection with a preexisting condition of a spouse or dependent that is comparable to subsection (d) of this section as it applies to an eligible employee.

Defined terms: "Carrier" § 15-1201

"Eligible employee" § 15-1201