

## (C) FINANCIAL IMPAIRMENT.

A CARRIER MAY NOT BE REQUIRED TO OFFER COVERAGE UNDER §§ 15-1209 AND 15-1213 OF THIS SUBTITLE FOR AS LONG AS THE COMMISSIONER FINDS THAT THE COVERAGE WOULD PLACE THE CARRIER IN A FINANCIALLY IMPAIRED CONDITION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 698(k) and 704(b) through (d) and (f) and (g).

In subsection (a)(1)(ii) of this section, the former definition of "part-time employee" is incorporated as a substantive provision because the defined term was used only twice under former law. See § 15-1203(b)(3)(ii) of this subtitle for the only other use of the term.

Also in subsection (a)(1)(ii) of this section, the reference to a normal workweek for a part-time employee of at least 17 1/2 but "less than" 30 hours per week is substituted for the former reference to a normal workweek of a part-time employee of at least 17 1/2 but "not more" than 30 hours per week to avoid an internal inconsistency with § 15-1201(e)(1)(i)2, which refers to an employee who "works on a full-time basis and has a normal workweek of at least 30 hours", and to reflect perceived legislative intent.

In subsection (a)(1)(iii) of this section, the reference to a public or private plan of health "insurance" is substituted for the former reference to a public or private health "benefit" plan for consistency with other similar references in this subtitle and to avoid the inappropriate use of the defined term "health benefit plan".

In subsection (b)(1)(iii) of this section, the former phrase "within the area", which modified "capacity", is deleted as unnecessary in light of the use of the phrase "within an area" at the beginning of that item.

In subsection (b)(2)(ii) of this section, the reference to the "area" in which a health maintenance organization has the "capacity to deliver services to small employer groups" is added for clarity.

Also in subsection (b)(2)(ii) of this section, the specific reference to a "health maintenance organization" is substituted for the former general reference to a "carrier" for consistency within that subsection.

Defined terms: "Carrier" § 15-1201

"Commissioner" § 1-101

"Eligible employee" § 15-1201

"Health benefit plan" § 15-1201

"Health insurance" § 1-101

"Small employer" § 15-1201

## 15-1211. APPROVAL OF PROPOSED HEALTH BENEFIT PLANS.

## (A) FILING REQUIRED.