

with a family income that is above 185 percent of the federal poverty level but does not exceed 200 percent of the federal poverty level is not eligible for the program under Subtitle 1 of this title and is only eligible to receive a voucher to cover the costs of dependent coverage if:

(i) Dependent coverage is available to the individual under an employer sponsored health benefit plan or an individual health benefit plan; and

(ii) Dependent coverage under an employer sponsored health benefit plan or individual health benefit plan has been certified by the Secretary under paragraph (4) of this subsection at the time the individual is determined to be eligible for the Children and Families Health Care Program.

(2) An individual who is in the Children and Families Health Care Program under Subtitle 1 of this title may remain in that program even if a certified employer sponsored health benefit plan or a certified individual health benefit plan becomes available.

(3) An eligible individual may be enrolled in an employer sponsored health benefit plan or individual health benefit plan under:

(i) An independent insurance policy; or

(ii) An add-on to an existing policy.

(4) (i) A carrier that intends to participate in the Children and Families Health Care Program under subsection (d) of this section shall submit its health benefit plan to the Secretary.

(ii) The Secretary, in consultation with the Commissioner, shall certify, within a reasonable time, if the employer sponsored health benefit plan or individual health benefit plan meets the coverage requirements under Title XXI of the Social Security Act and any other federal requirements, and includes a benefit that is substantially equivalent to the early and periodic screening diagnosis and treatment program.

(iii) If the Secretary determines that the employer sponsored health benefit plan or individual health benefit plan does not meet the requirements of subparagraph (ii) of this paragraph, the Secretary shall notify the carrier of that determination within a reasonable time.

(iv) As part of the certification review under subparagraph (ii) of this paragraph, the Secretary shall ensure that the premium payment for the eligible individual's portion of the benefit cost to be paid by the State in accordance with paragraph (6)(ii) of this subsection, does not exceed the cost that the State would incur if the individual was enrolled in the program under Subtitle 1 of this title.

(v) A carrier participating in the Children and Families Health Care Program shall offer its health benefit plans: