

[(f) Notwithstanding subsection (b)(3)(ii)1 of this section, in otherwise satisfying the requirements of subsection (b)(1) of this section, a person is considered a small employer under this subtitle if:

(1) all but one of its eligible employees are covered under another public or private health benefit plan or other health benefit arrangement; and

(2) only one of its eligible employees is not covered under any public or private health benefit plan or other health benefit arrangement.]

15-1206.

(c) (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 GROUP SPOUSAL coverage under a public or private plan of health insurance or another EMPLOYER'S health benefit arrangement, including Medicare, Medicaid, and CHAMPUS, that provides benefits similar to or exceeding the benefits provided under the Standard Plan.

(4) A carrier may not impose a minimum participation requirement for a small employer group if any member of the group participates in a medical savings account.

15-1207.

(a) In accordance with Title 19, Subtitle 1 of the Health - General Article, the Commission shall adopt regulations that specify:

(1) the Comprehensive Standard Health Benefit Plan to apply under this subtitle; ~~and~~

(2) a modified health benefit plan for medical savings accounts that qualify under the federal Health Insurance Portability and Accountability Act of 1996, including:

(i) a waiver of deductibles as permitted under federal law;

(ii) minimum funding standards for medical savings accounts; and

(iii) authorization for offering the modified plan only by those persons who offer the Comprehensive Standard Health Benefit Plan adopted in accordance with item (1) of this subsection; ~~AND~~

~~(3) A MODIFIED HEALTH BENEFIT PLAN WITH A HIGH DEDUCTIBLE, WHICH IS NOT OFFERED IN COMBINATION WITH A MEDICAL SAVINGS ACCOUNT UNDER ITEM (2) OF THIS SUBSECTION.~~