

~~[(c)]~~ (c) An individual is considered a small employer under this subtitle if the individual:

(1) ~~lives, works, or~~ WORKS AND resides in the State; and

(2) is a self-employed individual organized as a sole proprietorship or in any other legally recognized manner that a self-employed individual may organize:

(i) a substantial part of whose income derives from a trade or business through which the individual has attempted to earn taxable income;

(ii) who has filed the appropriate Internal Revenue form for the previous taxable year; and

(iii) for whom a copy of the appropriate Internal Revenue form or forms and schedule has been filed with the carrier.

(d) An individual is considered a small employer under this subtitle if the individual is a self-employed individual who is engaged in a licensed profession through a professional corporation organized in accordance with Title 5, Subtitle 1 of the Corporations and Associations Article and who received health benefits through a professional association on or before June 30, 1994.}]

~~[(e)]~~ (e) A person is considered a small employer under this subtitle if the person is a nonprofit organization that has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code and has at least one eligible employee.

[(f)] (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.