

15-1208.1.

(A) A CARRIER SHALL PROVIDE THE SPECIAL ENROLLMENT PERIODS DESCRIBED IN THIS SECTION IN EACH SMALL EMPLOYER HEALTH BENEFIT PLAN.

(B) IF THE SMALL EMPLOYER ELECTS UNDER § 15-1210(A)(III) OF THIS SUBTITLE TO OFFER COVERAGE TO ALL OF ITS EMPLOYEES WHO ARE COVERED UNDER ANOTHER PUBLIC OR PRIVATE PLAN OF HEALTH INSURANCE OR ANOTHER HEALTH BENEFIT ARRANGEMENT, A CARRIER SHALL ALLOW AN EMPLOYEE OR DEPENDENT WHO IS ELIGIBLE, BUT NOT ENROLLED, FOR COVERAGE UNDER THE TERMS OF THE EMPLOYER'S HEALTH BENEFIT PLAN TO ENROLL FOR COVERAGE UNDER THE TERMS OF THE PLAN IF:

(1) THE EMPLOYEE OR DEPENDENT WAS COVERED UNDER AN EMPLOYER-SPONSORED PLAN OR GROUP HEALTH BENEFIT PLAN AT THE TIME COVERAGE WAS PREVIOUSLY OFFERED TO THE EMPLOYEE OR DEPENDENT;

(2) THE EMPLOYEE STATES IN WRITING, AT THE TIME COVERAGE WAS PREVIOUSLY OFFERED, THAT COVERAGE UNDER AN EMPLOYER-SPONSORED PLAN OR GROUP HEALTH BENEFIT PLAN WAS THE REASON FOR DECLINING ENROLLMENT, BUT ONLY IF THE PLAN SPONSOR OR CARRIER REQUIRES THE STATEMENT AND PROVIDES THE EMPLOYEE WITH NOTICE OF THE REQUIREMENT;

(3) THE EMPLOYEE'S OR DEPENDENT'S COVERAGE DESCRIBED IN ITEM (1) OF THIS SUBSECTION:

(I) WAS UNDER A COBRA CONTINUATION PROVISION, AND THE COVERAGE UNDER THAT PROVISION WAS EXHAUSTED; OR

(II) WAS NOT UNDER A COBRA CONTINUATION PROVISION, AND EITHER THE COVERAGE WAS TERMINATED AS A RESULT OF LOSS OF ELIGIBILITY FOR THE COVERAGE, INCLUDING LOSS OF ELIGIBILITY AS A RESULT OF LEGAL SEPARATION, DIVORCE, DEATH, TERMINATION OF EMPLOYMENT, OR REDUCTION IN THE NUMBER OF HOURS OF EMPLOYMENT, OR EMPLOYER CONTRIBUTIONS TOWARDS THE COVERAGE WERE TERMINATED; AND

(4) UNDER THE TERMS OF THE PLAN, THE EMPLOYEE REQUESTS ENROLLMENT NOT LATER THAN 30 DAYS AFTER:

(I) THE DATE OF EXHAUSTION OF COVERAGE DESCRIBED IN ITEM (3)(I) OF THIS SUBSECTION; OR

(II) TERMINATION OF COVERAGE OR TERMINATION OF EMPLOYER CONTRIBUTIONS DESCRIBED IN ITEM (3)(II) OF THIS SUBSECTION.

(C) ALL SMALL EMPLOYER HEALTH BENEFIT PLANS SHALL PROVIDE A SPECIAL ENROLLMENT PERIOD DURING WHICH THE FOLLOWING PERSONS INDIVIDUALS MAY BE ENROLLED UNDER THE HEALTH BENEFIT PLAN:

(1) A PERSON AN INDIVIDUAL WHO BECOMES A DEPENDENT OF THE ELIGIBLE EMPLOYEE THROUGH MARRIAGE, BIRTH, ADOPTION, OR PLACEMENT FOR ADOPTION;