

GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON THE NUMBER OF MEMBERS ENROLLED IN THE PLAN AND THE COSTS TO THE PLAN ASSOCIATED WITH PROVIDING INSURANCE TO THOSE MEMBERS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section:

(1) prevails over any inconsistent provisions of the Code of Maryland Regulations 31.10.06.09-1; and

(2) shall apply to any individual Medicare supplement policy and to any group Medicare supplement policy issued to a group of which an individual has privileges associated with group membership.

(b) ~~In this section, the terms "carrier", "Medicare", and "Medigap policy" have the meanings stated in § 15-901 of the Insurance Article~~ The definitions in § 15-901 of the Insurance Article shall apply to Section 2 of this Act.

(c) A carrier that issues Medigap policies ~~in the State shall issue a Medigap policy~~ shall issue any Medigap policy the carrier sells in the State to an individual eligible for Medicare if:

(1) the individual is enrolled under an employee welfare benefit plan that provides health benefits;

(2) the employee welfare benefit plan in which the individual is enrolled terminates;

(3) solely because of eligibility for Medicare, the individual is not eligible for credit for health insurance costs under § 35 of the Internal Revenue Code and enrollment in the Maryland Health Insurance Plan under § 14-501(f) of the Insurance Article, as enacted by Section 1 this Act; and

(4) the individual applies for the Medigap policy no later than 63 days after the employee welfare benefit plan terminates.

(d) The Maryland Insurance Administration shall issue notice of the requirements of this section to each affected carrier in the State.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2003, the Maryland Insurance Administration shall notify the Centers for Medicare and Medicaid Services that the State has established the Maryland Health Insurance Plan and shall request that the Maryland Health Insurance Plan be approved as an acceptable "alternative mechanism" under the federal Health Insurance Portability and Accountability Act in accordance with 45 CFR 148.128(e).

SECTION 2. 4. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect June 1, 2003~~ is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.