

[(d)](C) A nonprofit health service plan may satisfy the public service requirement [in subsection (c)(2)] of this section by establishing that, TO THE EXTENT THE VALUE OF THE NONPROFIT HEALTH SERVICE PLAN'S PREMIUM TAX EXEMPTION UNDER § 6-101(B) OF THIS ARTICLE EXCEEDS THE SUBSIDY REQUIRED UNDER THE SENIOR PRESCRIPTION DRUG PROGRAM ESTABLISHED UNDER SUBTITLE 5, PART II OF THIS TITLE, the plan has:

(1) increased access to, or the affordability of, one or more health care products or services by offering and selling health care products or services that are not required or provided for by law; [or]

(2) PROVIDED FINANCIAL OR IN-KIND SUPPORT FOR PUBLIC HEALTH PROGRAMS;

(3) EMPLOYED UNDERWRITING STANDARDS IN A MANNER THAT INCREASES THE AVAILABILITY OF ONE OR MORE HEALTH CARE SERVICES OR PRODUCTS;

(4) EMPLOYED PRICING POLICIES THAT ENHANCE THE AFFORDABILITY OF HEALTH CARE SERVICES OR PRODUCTS AND RESULT IN A HIGHER MEDICAL LOSS RATIO THAN THAT ESTABLISHED BY A COMPARABLE FOR-PROFIT HEALTH INSURER, OR

[(2)](5) served the public interest by any method or practice approved by the Commissioner.

[(e)](D) [(1)] [A] NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, A nonprofit health service plan that is subject to this section and issues comprehensive health care benefits in the State shall:

(1) OFFER HEALTH CARE PRODUCTS IN THE INDIVIDUAL MARKET;

(2) OFFER HEALTH CARE PRODUCTS IN THE SMALL EMPLOYER GROUP MARKET IN ACCORDANCE WITH TITLE 15, SUBTITLE 12 OF THIS ARTICLE; AND

(3) administer and subsidize the Senior Prescription Drug Program established under Title 14, Subtitle 5, Part II of this title.

[(2)](E) The subsidy required under the Senior Prescription Drug Program may not exceed the value of the nonprofit health service plan's premium tax exemption under § 6-101(b) of this article.

(f) (1) [Each] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH report filed with the Commissioner under subsection [(c)] (B) of this section is a public record.

(2) IN ACCORDANCE WITH § 10-617(D) OF THE STATE GOVERNMENT ARTICLE, THE COMMISSIONER SHALL DENY INSPECTION OF ANY PART OF A REPORT FILED UNDER SUBSECTION (B) OF THIS SECTION THAT THE COMMISSIONER DETERMINES CONTAINS CONFIDENTIAL COMMERCIAL INFORMATION OR CONFIDENTIAL FINANCIAL INFORMATION.