

Section 15-1308 and 15-1309
Annotated Code of Maryland
(1997 Volume and 2001 Supplement)

BY adding to

Article - Insurance
Section 27-603(g)
Annotated Code of Maryland
(1997 Volume and 2001 Supplement)

BY adding to

Article - Health - General
Section 19-706(ww)
Annotated Code of Maryland
(2000 Replacement Volume and 2001 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Insurance

15-1308.

(A) IN THIS SECTION "AFFILIATE" MEANS A PERSON THAT DIRECTLY OR INDIRECTLY, THROUGH ONE OR MORE INTERMEDIARIES, CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH ANOTHER PERSON.

[(a)](B) Subject to subsections [(c)] (D) and [(g)] (K) of this section, a carrier shall issue the individual health benefit plan elected under § 15-1305 or § 15-1306(a)(1) of this subtitle to any eligible individual.

[(b)](C) (1) A carrier may not limit coverage under any individual health benefit plan issued to an eligible individual under a preexisting condition provision.

(2) A carrier may impose a preexisting condition provision on an individual who has had a period of at least 63 days during all of which the individual was not covered under any creditable coverage and who would otherwise have been an eligible individual.

[(c)] (D) A carrier may refuse to issue an individual health benefit plan to an eligible individual, if the carrier demonstrates to the satisfaction of the Commissioner that:

(1) it does not have the policyholder surplus necessary to underwrite additional coverage; and

(2) it is applying this section uniformly to all individuals in the individual market in this State without regard to:

(i) any health status-related factor; and