

~~(H) BASED ON THE ADJUSTMENT FOR AGE ALLOWED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION, A CARRIER MAY CHARGE A RATE THAT IS 60% ABOVE OR BELOW THE COMMUNITY RATE.~~

~~(5) (I) BASED ON THE ADJUSTMENT FOR HEALTH STATUS ALLOWED UNDER PARAGRAPH (2)(III) OF THIS SUBSECTION, A CARRIER MAY CHARGE A RATE THAT IS 25% ABOVE OR BELOW THE COMMUNITY RATE.~~

~~(H) A CARRIER MAY NOT ADJUST THE COMMUNITY RATE FOR A HEALTH BENEFIT PLAN BASED ON CHANGES IN HEALTH STATUS THAT OCCUR AFTER THE HEALTH BENEFIT PLAN IS ISSUED BY THE CARRIER.~~

~~(6) BASED ON THE ADJUSTMENT FOR TOBACCO USE ALLOWED IN PARAGRAPH (2)(IV) OF THIS SUBSECTION, A CARRIER MAY CHARGE A RATE THAT IS 25% ABOVE OR BELOW THE COMMUNITY RATE.~~

(b) A carrier shall apply all risk adjustment factors under subsection (a) of this section consistently with respect to all health benefit plans that are issued, delivered, or renewed in the State.

~~[(e) Based on the adjustments allowed under subsection (a)(2) of this section, a carrier may charge a rate that is 40% above or below the community rate.]~~

~~[(d)]—(C) (1) A carrier shall base its rating methods and practices on commonly accepted actuarial assumptions and sound actuarial principles.~~

~~(2) A carrier that is a health maintenance organization and that includes a subrogation provision in its contract as authorized under § 19 713.1(d) of the Health General Article shall:~~

~~(i) use in its rating methodology an adjustment that reflects the subrogation; and~~

~~(ii) identify in its rate filing with the Administration, and annually in a form approved by the Commissioner, all amounts recovered through subrogation.~~

~~(3) A CARRIER MAY USE STANDARDIZED HEALTH STATEMENTS, IN A FORM ADOPTED BY THE COMMISSIONER, HEALTH SCREENINGS, AND PRIOR CLAIMS HISTORY TO ESTABLISH OR MODIFY PREMIUM RATES AS PROVIDED IN THIS SECTION.~~

~~(D) A CARRIER MAY NOT LIMIT COVERAGE OFFERED BY THE CARRIER, OR REFUSE TO ISSUE A HEALTH BENEFIT PLAN TO ANY SMALL EMPLOYER THAT MEETS THE REQUIREMENTS OF THIS SUBTITLE, BASED ON A HEALTH STATUS RELATED FACTOR.~~

~~(E) A CARRIER MAY NOT KNOWINGLY PROVIDE COVERAGE TO A SMALL EMPLOYER THAT DISCRIMINATES AGAINST AN EMPLOYEE OR APPLICANT FOR EMPLOYMENT, BASED ON THE HEALTH STATUS OF THE EMPLOYEE OR APPLICANT OR A DEPENDENT OF THE EMPLOYEE OR APPLICANT, WITH RESPECT TO PARTICIPATION IN A HEALTH BENEFIT PLAN SPONSORED BY THE SMALL EMPLOYER.~~