

(2) AN INDIVIDUAL WHO IS IN THE CHILDREN AND FAMILIES HEALTH CARE PROGRAM UNDER SUBTITLE 1 OF THIS TITLE MAY REMAIN IN THAT PROGRAM EVEN IF A CERTIFIED EMPLOYER SPONSORED HEALTH BENEFIT PLAN OR A CERTIFIED INDIVIDUAL HEALTH BENEFIT PLAN BECOMES AVAILABLE.

(3) AN ELIGIBLE INDIVIDUAL MAY BE ENROLLED IN AN EMPLOYER SPONSORED HEALTH BENEFIT PLAN OR INDIVIDUAL HEALTH BENEFIT PLAN UNDER:

(I) AN INDEPENDENT INSURANCE POLICY; OR

(II) AN ADD-ON TO AN EXISTING POLICY.

(4) (I) A CARRIER THAT INTENDS TO PARTICIPATE IN THE CHILDREN AND FAMILIES HEALTH CARE PROGRAM UNDER SUBSECTION (D) OF THIS SECTION SHALL SUBMIT ITS HEALTH BENEFIT PLAN TO THE SECRETARY.

(II) THE SECRETARY, IN CONSULTATION WITH THE COMMISSIONER, SHALL CERTIFY, WITHIN A REASONABLE TIME, IF THE EMPLOYER SPONSORED HEALTH BENEFIT PLAN OR INDIVIDUAL HEALTH BENEFIT PLAN MEETS THE COVERAGE REQUIREMENTS UNDER TITLE XXI OF THE SOCIAL SECURITY ACT AND ANY OTHER FEDERAL REQUIREMENTS, AND INCLUDES A BENEFIT THAT IS SUBSTANTIALLY EQUIVALENT TO THE EARLY AND PERIODIC SCREENING DIAGNOSIS AND TREATMENT PROGRAM.

(III) IF THE SECRETARY DETERMINES THAT THE EMPLOYER SPONSORED HEALTH BENEFIT PLAN OR INDIVIDUAL HEALTH BENEFIT PLAN DOES NOT MEET THE REQUIREMENTS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SECRETARY SHALL NOTIFY THE CARRIER OF THAT DETERMINATION WITHIN A REASONABLE TIME.

(IV) AS PART OF THE CERTIFICATION REVIEW UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SECRETARY SHALL ENSURE THAT THE PREMIUM PAYMENT FOR THE ELIGIBLE INDIVIDUAL'S PORTION OF THE BENEFIT COST TO BE PAID BY THE STATE IN ACCORDANCE WITH PARAGRAPH (6)(II) OF THIS SUBSECTION, DOES NOT EXCEED THE COST THAT THE STATE WOULD INCUR IF THE INDIVIDUAL WAS ENROLLED IN THE PROGRAM UNDER SUBTITLE 1 OF THIS TITLE.

(V) A CARRIER PARTICIPATING IN THE CHILDREN AND FAMILIES HEALTH CARE PROGRAM SHALL OFFER ITS HEALTH BENEFIT PLANS:

1. FOR EMPLOYER SPONSORED HEALTH BENEFIT PLANS TO EACH EMPLOYER THAT HAS EMPLOYEES WITH DEPENDENTS WHO MAY QUALIFY FOR THE PROGRAM UNDER SUBSECTION (D) OF THIS SECTION; OR

2. FOR INDIVIDUAL HEALTH BENEFIT PLANS TO EACH INDIVIDUAL WHO MAY QUALIFY FOR THE PROGRAM UNDER SUBSECTION (D) OF THIS SECTION.