

**SB0006/207675/1**

BY: Finance Committee

AMENDMENTS TO SENATE BILL 6  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “Insurance” and substitute “Benefit Plan”; in line 5, after “Program;” insert “requiring the Maryland Health Care Commission to adopt regulations to establish certain eligibility requirements and certain levels of subsidies under the Program;”; in line 7, after “budget;” insert “providing that certain contributions to health savings accounts shall be considered additional premium contributions for the purpose of calculating certain subsidies under certain circumstances;”; in line 22, after “Fund;” insert “requiring certain carriers to offer a certain benefit; permitting certain carriers to offer a certain benefit; prohibiting a carrier from conditioning the sale of a certain benefit on participation of certain employees in certain programs or activities;”; in line 25, after “regulations;” insert “requiring the Maryland Health Care Commission to adopt certain regulations that specify the requirements of a certain benefit;”; in line 25, after “the” insert “Maryland Health Care”; and in lines 27 and 28, in each instance, strike “providing” and substitute “declaring”.

On page 2, in line 12, after “regulations;” insert “declaring the intent of the General Assembly to increase access to certain services;”; in line 20, strike “and (d)” and substitute “, (d), and (e)”; in line 25, after “Section” insert “15-1201(s), 15-1204(g), and”; in line 26, strike “Insurance” and substitute “Benefit Plan”; after line 29, insert:

“BY repealing and reenacting, with amendments,

Article – Insurance

Section 15-1207(a)

Annotated Code of Maryland

(2006 Replacement Volume and 2007 Supplement)”.

(Over)

On page 3, in line 17, strike “INSURANCE” and substitute “BENEFIT PLAN”; after line 25, insert:

**“(D) “ELIGIBLE EMPLOYEE” HAS THE MEANING STATED IN § 15-1201 OF THIS TITLE.**

**“(E) “HEALTH SAVINGS ACCOUNT” MEANS A HEALTH SAVINGS ACCOUNT AS DEFINED IN THE MEDICARE PRESCRIPTION DRUG, IMPROVEMENT AND MODERNIZATION ACT OF 2003, TITLE 12, § 1201(A) AS CODIFIED AT PART VII, SUBCHAPTER B, CHAPTER 1, § 223(D) OF THE INTERNAL REVENUE CODE.”;**

in line 26, strike “(D)” and substitute “(F)”; in the same line, strike “INSURANCE” and substitute “BENEFIT PLAN”; in line 28, strike “(E)” and substitute “(G)”; after line 29, insert:

**“(H) “SMALL EMPLOYER HEALTH BENEFIT PLAN” MEANS A HEALTH BENEFIT PLAN AS DEFINED IN § 15-1201 OF THIS TITLE THAT MAY BE SOLD TO A SMALL EMPLOYER UNDER SUBTITLE 12 OF THIS TITLE.**

**“(I) “WELLNESS BENEFIT” HAS THE MEANING STATED IN § 15-1201 OF THIS TITLE.”;**

and in line 31, strike “INSURANCE” and substitute “BENEFIT PLAN”.

**AMENDMENT NO. 2**

On page 4, in line 3, strike “HEALTH INSURANCE” and substitute “A SMALL EMPLOYER HEALTH BENEFIT PLAN”; in line 5, strike “HEALTH INSURANCE PREMIUM CONTRIBUTIONS” and substitute “SMALL EMPLOYER HEALTH BENEFIT PLAN PREMIUMS”; in line 14, strike the colon; in line 15, strike “(1)”; in lines 17 and 19, strike “(I)” and “(II)”, respectively, and substitute “(1)” and “(2)”, respectively; in

line 18, strike “HEALTH INSURANCE” and substitute “A SMALL EMPLOYER HEALTH BENEFIT PLAN”; in line 20, strike “HEALTH INSURANCE” and substitute “A SMALL EMPLOYER HEALTH BENEFIT PLAN”; and strike beginning with the semicolon in line 20 down through “EMPLOYEES” in line 23.

On page 5, strike in their entirety lines 1 through 7, inclusive, and substitute:

**“(F) THE COMMISSION SHALL ADOPT REGULATIONS TO ESTABLISH:**

**(1) THE ELIGIBILITY REQUIREMENTS FOR SMALL EMPLOYERS UNDER THE PROGRAM; AND**

**(2) THE LEVEL OF SUBSIDIES TO BE PROVIDED UNDER THE PROGRAM.”;**

in line 10, strike “HEALTH INSURANCE” and substitute “SMALL EMPLOYER HEALTH BENEFIT PLAN”; in line 13, strike “HEALTH INSURANCE” and substitute “A SMALL EMPLOYER HEALTH BENEFIT PLAN”; in line 16, strike “FULL-TIME” and substitute “ELIGIBLE”; after line 18, insert:

**“(2) OFFERS A SMALL EMPLOYER HEALTH BENEFIT PLAN TO ITS EMPLOYEES;”;**

in lines 19, 21, and 23, strike “(2)”, “(3)”, and “(4)”, respectively, and substitute “(3)”, “(4)”, and “(5)”, respectively; in line 19, strike “THAT SATISFIES” and substitute “UNDER”; in line 21, strike “BONA FIDE WELLNESS PROGRAM” and substitute “WELLNESS BENEFIT”; and in lines 25 and 26, strike “OF HEALTH INSURANCE PREMIUM CONTRIBUTIONS MADE BY A SMALL EMPLOYER:” and substitute “PROVIDED TO A SMALL EMPLOYER UNDER THE PROGRAM:”

(Over)

**(1) SHALL OFFSET A PORTION OF THE SMALL EMPLOYER HEALTH BENEFIT PLAN PREMIUM CONTRIBUTIONS MADE BY A SMALL EMPLOYER;**;

and in line 27, strike “(1)” and substitute “(2)”.

On page 6, in line 1, strike “(2)” and substitute “(3)”; in lines 2 and 3, strike “OF HEALTH INSURANCE PREMIUM CONTRIBUTIONS MADE BY AN EMPLOYEE OF A SMALL EMPLOYER:” and substitute “PROVIDED TO AN EMPLOYEE OF A SMALL EMPLOYER UNDER THE PROGRAM:”

**(1) SHALL OFFSET A PORTION OF THE SMALL EMPLOYER HEALTH BENEFIT PLAN PREMIUM CONTRIBUTIONS MADE BY AN EMPLOYEE;**;

in line 4, strike “(1)” and substitute “(2)”; and in line 7, strike “(2)” and substitute “(3)”.

**AMENDMENT NO. 3**

On pages 6 and 7, strike in their entirety the lines beginning with line 13 on page 6 through line 13 on page 7, inclusive, and substitute:

**“15-12A-04.**

**(A) A SMALL EMPLOYER THAT PROVIDES A SMALL EMPLOYER HEALTH BENEFIT PLAN THAT IS COMPATIBLE WITH A HEALTH SAVINGS ACCOUNT MAY BE ELIGIBLE FOR A SUBSIDY UNDER THE PROGRAM IF:**

**(1) THE HEALTH BENEFIT PLAN IS OFFERED WITH A WELLNESS BENEFIT; AND**

(2) THE SMALL EMPLOYER MEETS THE ELIGIBILITY REQUIREMENTS UNDER § 15-12A-03 OF THIS SUBTITLE.

(B) FOR THE PURPOSE OF CALCULATING THE SUBSIDY FOR A SMALL EMPLOYER UNDER § 15-12A-03 OF THIS SUBTITLE, THE COMMISSION SHALL CONSIDER AMOUNTS CONTRIBUTED TO THE HEALTH SAVINGS ACCOUNT BY A SMALL EMPLOYER THAT IS ELIGIBLE FOR A SUBSIDY AS ADDITIONAL PREMIUM CONTRIBUTIONS.

(C) FOR THE PURPOSE OF CALCULATING THE SUBSIDY FOR AN EMPLOYEE OF A SMALL EMPLOYER UNDER § 15-12A-03 OF THIS SUBTITLE, THE COMMISSION SHALL CONSIDER AMOUNTS CONTRIBUTED TO THE HEALTH SAVINGS ACCOUNT BY AN EMPLOYEE OF A SMALL EMPLOYER THAT IS ELIGIBLE FOR A SUBSIDY AS ADDITIONAL PREMIUM CONTRIBUTIONS.”.

AMENDMENT NO. 4

On page 12, in line 8, strike “INSURANCE” and substitute “BENEFIT PLAN”; in line 19, strike “(S.B. \_\_/ H.B. \_\_) (8LR0262)” and substitute “(S.B. 6/H.B. 6)”; and strike in their entirety lines 22 through 27, inclusive, and substitute:

“(I) SHALL DETERMINE THE SAVINGS REALIZED IN AVERTED UNCOMPENSATED CARE FOR EACH HOSPITAL INDIVIDUALLY; AND

(II) MAY ASSESS AN AMOUNT IN EACH HOSPITAL’S RATES EQUAL TO A PORTION OF THE SAVINGS REALIZED IN AVERTED UNCOMPENSATED CARE FOR THAT HOSPITAL.

(2) THE COMMISSION SHALL ENSURE THAT ANY SAVINGS REALIZED IN AVERTED UNCOMPENSATED CARE NOT SUBJECT TO THE ASSESSMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION BE SHARED AMONG

(Over)

PURCHASERS OF HOSPITAL SERVICES IN A MANNER THAT THE COMMISSION DETERMINES IS MOST EQUITABLE.”.

AMENDMENT NO. 5

On page 13, after line 7, insert:

“(e) (1) “Eligible employee” means:

(i) an individual who:

1. is an employee, partner of a partnership, or independent contractor who is included as an employee under a health benefit plan; and

2. works on a full-time basis and has a normal workweek of at least 30 hours; or

(ii) a sole employee of a nonprofit organization that has been determined by the Internal Revenue Service to be exempt from taxation under § 501(c)(3), (4), or (6) of the Internal Revenue Code who:

1. has a normal workweek of at least 20 hours; and

2. is not covered under a public or private plan for health insurance or other health benefit arrangement.

(2) “Eligible employee” does not include an individual who works:

(i) on a temporary or substitute basis; or

(ii) except for an individual described in paragraph (1)(ii) of this subsection, for less than 30 hours in a normal workweek.

**(S) “WELLNESS BENEFIT” MEANS A BENEFIT OFFERED AS A RIDER TO A HEALTH BENEFIT PLAN THAT PROVIDES COVERAGE FOR A PROGRAM OR ACTIVITY THAT:**

**(1) IS DESIGNED TO:**

**(I) PREVENT OR DETECT DISEASE OR ILLNESS;**

**(II) REDUCE OR AVOID POOR CLINICAL OUTCOMES;**

**(III) PREVENT COMPLICATIONS FROM MEDICAL CONDITIONS; OR**

**(IV) PROMOTE HEALTHY BEHAVIORS AND LIFESTYLE CHOICES; AND**

**(2) COMPLIES WITH REGULATIONS ADOPTED BY THE COMMISSION.**

15-1204.

**(G) (1) IN THIS SUBSECTION, “PROMINENT CARRIER” MEANS A CARRIER THAT INSURES AT LEAST 10% OF THE TOTAL LIVES INSURED IN THE SMALL GROUP MARKET.**

**(2) (I) A PROMINENT CARRIER SHALL OFFER A WELLNESS BENEFIT FOR A HEALTH BENEFIT PLAN OFFERED UNDER THIS SUBTITLE.**

(Over)

(II) A CARRIER THAT IS NOT A PROMINENT CARRIER MAY OFFER A WELLNESS BENEFIT FOR A HEALTH BENEFIT PLAN OFFERED UNDER THIS SUBTITLE.

(3) A CARRIER MAY NOT CONDITION THE SALE OF A WELLNESS BENEFIT TO A SMALL EMPLOYER ON PARTICIPATION OF THE ELIGIBLE EMPLOYEES OF THE SMALL EMPLOYER IN WELLNESS PROGRAMS OR ACTIVITIES.”;

strike beginning with “SHALL” in line 9 down through “ABOUT” in line 10 and substitute “, IN CONNECTION WITH THE SALE, SOLICITATION, OR NEGOTIATION OF A HEALTH BENEFIT PLAN TO A SMALL EMPLOYER, SHALL”; strike beginning with “BONA” in line 11 down through “COMMISSION” in line 14 and substitute “PROVIDE INFORMATION TO THE SMALL EMPLOYER ABOUT WELLNESS BENEFITS”; in line 15, strike “THE” and substitute “ADVISE THE SMALL EMPLOYER TO CONSULT A TAX ADVISOR ABOUT THE”; in line 16, strike “THAT SATISFIES” and substitute “UNDER”; and in line 19, strike “INSURANCE POLICY” and substitute “BENEFIT PLAN”.

AMENDMENT NO. 6

On page 14, strike beginning with “BONA” in line 10 down through “PROGRAMS” in line 11 and substitute “WELLNESS BENEFITS”; in line 11, strike “IN THE SMALL GROUP INSURANCE MARKET” and substitute “UNDER TITLE 15, SUBTITLE 12 OF THE INSURANCE ARTICLE”; strike beginning with the colon in line 11 down through “INCLUDE” in line 14 and substitute “INCLUDE INCENTIVES OR”; in line 15, after “ACTIVITIES;” insert “AND”; strike lines 16 and 17 in their entirety; in line 18, strike “(III)” and substitute “(II)”; in line 19, strike “HEALTH INSURANCE” and substitute “SMALL EMPLOYER HEALTH BENEFIT PLAN”; strike beginning with “BONA” in line 20 down through “PROGRAM” in line 21 and substitute “WELLNESS BENEFIT”; and after line 24, insert:



“Article - Insurance

15-1207.

(a) In accordance with Title 19, Subtitle 1 of the Health – General Article, the Commission shall adopt regulations that specify:

(1) the Comprehensive Standard Health Benefit Plan to apply under this subtitle; [and]

(2) the Limited Health Benefit Plan to apply under this subtitle; AND

(3) THE REQUIREMENTS FOR A WELLNESS BENEFIT OFFERED BY A CARRIER TO APPLY UNDER THIS SUBTITLE.”.

On page 15, strike beginning with “BONA” in line 8 down through “PROGRAMS” in line 9 and substitute “WELLNESS BENEFITS”; in line 9, strike “IN THE SMALL GROUP INSURANCE MARKET” and substitute “UNDER TITLE 15, SUBTITLE 12 OF THE INSURANCE ARTICLE”; strike beginning with the colon in line 9 down through “INCLUDE” in line 12 and substitute “INCLUDE INCENTIVES OR”; in line 13, after “ACTIVITIES;” insert “AND”; strike lines 14 and 15 in their entirety; in line 16, strike “(III)” and substitute “(II)”; in line 17, strike “HEALTH INSURANCE” and substitute “SMALL EMPLOYER HEALTH BENEFIT PLAN”; strike beginning with “BONA” in line 18 down through “PROGRAM” in line 19 and substitute “WELLNESS BENEFIT”; and after line 22, insert:

“Article – Insurance

15–1207.

(Over)

(a) In accordance with Title 19, Subtitle 1 of the Health – General Article, the Commission shall adopt regulations that specify:

(1) the Comprehensive Standard Health Benefit Plan to apply under this subtitle; AND

(2) THE REQUIREMENTS FOR A WELLNESS BENEFIT OFFERED BY A CARRIER TO APPLY UNDER THIS SUBTITLE.”.

AMENDMENT NO. 7

On page 17, after line 24, insert:

“SECTION 14. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly, as part of the overall expansion of eligibility for the Maryland Medical Assistance Program, to increase access to long-term care services, including home and community-based services for individuals who meet the current Medicaid financial requirements of the Program and who need 24-hour supervision due to Alzheimer’s disease and related dementias, significant brain injury, or serious mental illness.”;

in line 25, strike “14.” and substitute “15.”; in line 31, strike “15.” and substitute “16.”; and in line 32, strike “14” and substitute “15”.