

HOUSE BILL 71

C3, O2

01r0037

(PRE-FILED)

By: **Chair, Health and Government Operations Committee (By Request - Departmental - Health Insurance Plan) and Delegates Benson, Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Jenkins, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Reznik, Riley, Tarrant, and V. Turner**

Requested: October 5, 2009

Introduced and read first time: January 13, 2010

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 17, 2010

CHAPTER _____

1 AN ACT concerning

2 **Senior Prescription Drug Assistance Program - ~~Appointment of Insurance~~**
3 **Producers Training for Insurance Producers**

4 ~~FOR the purpose of prohibiting an insurance producer from marketing the Senior~~
5 ~~Prescription Drug Assistance Program or assisting a Medicare beneficiary to~~
6 ~~enroll in the Program unless the insurance producer has an appointment from~~
7 ~~the Program; authorizing the Program to require an insurance producer to~~
8 ~~receive certain training before granting an appointment to the insurance~~
9 ~~producer; authorizing the Program to terminate the appointment of an~~
10 ~~insurance producer under certain circumstances; requiring the Program to~~
11 ~~maintain a producer register in accordance with certain provisions of law;~~
12 ~~requiring an insurance producer who has been appointed by the Program to~~
13 ~~maintain documentation of the appointment in accordance with certain~~
14 ~~provisions of law; and generally relating to the Senior Prescription Drug~~
15 ~~Assistance Program.~~

16 FOR the purpose of requiring certain insurance producers who engage in certain
17 activities relating to the Senior Prescription Drug Assistance Program to receive
18 certain continuing education; authorizing the Board of Directors for the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Maryland Health Insurance Plan to adopt regulations that require an insurance
 2 producer to receive training about the Program before the insurance producer
 3 may market the Program or assist a Medicare beneficiary to enroll in the
 4 Program; providing that training received about the Program qualifies as
 5 continuing education under certain provisions of law; and generally relating to
 6 training for insurance producers about the Senior Prescription Drug Assistance
 7 Program.

8 BY ~~adding to~~ repealing and reenacting, with amendments,
 9 Article – Insurance
 10 Section ~~14-515(f)~~ 10-116(a)(4) and 14-514(b)
 11 Annotated Code of Maryland
 12 (2006 Replacement Volume and 2009 Supplement)

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

15 **Article – Insurance**

16 ~~14-515.~~

17 ~~(F) (1) AN INSURANCE PRODUCER MAY NOT MARKET THE PROGRAM~~
 18 ~~OR ASSIST A MEDICARE BENEFICIARY TO ENROLL IN THE PROGRAM UNLESS~~
 19 ~~THE INSURANCE PRODUCER HAS AN APPOINTMENT FROM THE PROGRAM.~~

20 ~~(2) THE PROGRAM MAY:~~

21 ~~(I) REQUIRE AN INSURANCE PRODUCER TO RECEIVE~~
 22 ~~TRAINING ABOUT THE PROGRAM BEFORE GRANTING AN APPOINTMENT TO THE~~
 23 ~~INSURANCE PRODUCER; AND~~

24 ~~(II) TERMINATE THE APPOINTMENT OF AN INSURANCE~~
 25 ~~PRODUCER IF THE PROGRAM DETERMINES THAT THE INSURANCE PRODUCER~~
 26 ~~HAS VIOLATED:~~

27 ~~1. A PROVISION OF THIS ARTICLE; OR~~

28 ~~2. REGULATIONS ADOPTED BY THE CENTERS FOR~~
 29 ~~MEDICARE AND MEDICAID SERVICES REGARDING THE MARKETING OF~~
 30 ~~MEDICARE PART D PRESCRIPTION DRUG PLANS OR MEDICARE ADVANTAGE~~
 31 ~~PLANS.~~

32 ~~(3) THE PROGRAM SHALL MAINTAIN A PRODUCER REGISTER IN~~
 33 ~~ACCORDANCE WITH § 10-118 OF THIS ARTICLE.~~

1 ~~(4) AN INSURANCE PRODUCER WHO HAS BEEN APPOINTED BY~~
2 ~~THE PROGRAM SHALL MAINTAIN DOCUMENTATION OF THE APPOINTMENT IN~~
3 ~~ACCORDANCE WITH § 10-118 OF THIS ARTICLE.~~

4 10-116.

5 (a) (4) (i) To increase the level of education of insurance producers, an
6 insurance producer shall obtain continuing education in the kind or subdivision of
7 insurance for which the insurance producer has received a license.

8 (ii) Each insurance producer who possesses a license to sell
9 health insurance and who sells long-term care insurance shall receive continuing
10 education that directly relates to long-term care insurance.

11 (iii) Each insurance producer who possesses a license to sell
12 property and casualty insurance and who sells flood insurance shall receive continuing
13 education that directly relates to flood insurance.

14 **(IV) EACH INSURANCE PRODUCER WHO POSSESSES A**
15 **LICENSE TO SELL HEALTH INSURANCE AND WHO MARKETS THE SENIOR**
16 **PRESCRIPTION DRUG ASSISTANCE PROGRAM OR ASSISTS A MEDICARE**
17 **BENEFICIARY TO ENROLL IN THE SENIOR PRESCRIPTION DRUG ASSISTANCE**
18 **PROGRAM SHALL RECEIVE CONTINUING EDUCATION THAT DIRECTLY RELATES**
19 **TO THE SENIOR PRESCRIPTION DRUG ASSISTANCE PROGRAM.**

20 14-514.

21 (b) (1) The Board shall adopt regulations to carry out Part II of this
22 subtitle.

23 **(2) THE BOARD MAY ADOPT REGULATIONS THAT REQUIRE AN**
24 **INSURANCE PRODUCER TO RECEIVE TRAINING ABOUT THE PROGRAM BEFORE**
25 **THE INSURANCE PRODUCER MAY MARKET THE PROGRAM OR ASSIST A**
26 **MEDICARE BENEFICIARY TO ENROLL IN THE PROGRAM.**

27 **(3) SUBJECT TO § 10-116(D) OF THIS ARTICLE, TRAINING**
28 **RECEIVED UNDER PARAGRAPH (2) OF THIS SUBSECTION QUALIFIES AS**
29 **CONTINUING EDUCATION UNDER § 10-116(A) OF THIS ARTICLE.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010.
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