

# Chapter 318

(Senate Bill 769)

AN ACT concerning

## Health Benefit Plans – Proposed Rate Increases – Notice to Insureds

FOR the purpose of requiring health insurance carriers ~~that file a proposed rate increase for a health benefit plan with the Maryland Insurance Commissioner to send certain notice in a certain manner to insureds affected by the proposed rate increase; authorizing the notice to be sent by electronic mail under certain circumstances; authorizing the Commissioner to adopt certain regulations; defining a certain term~~ to provide a certain notice to insureds and enrollees, and post a certain notice on the carrier's Web site, that an insured or enrollee may access certain information and submit certain comments relating to proposed rate increases on the Maryland Insurance Administration's Web site; and generally relating to notice of proposed rate increases for health benefit plans.

~~BY adding to~~

~~Article – Health – General  
Section 19-706(oooo)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2012 Supplement)~~

BY adding to

Article – Insurance  
Section ~~15-140~~ 11-604  
Annotated Code of Maryland  
(2011 Replacement Volume and 2012 Supplement)

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

### ~~Article – Health – General~~

~~19-706.~~

~~(oooo) THE PROVISIONS OF § 15-140 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.~~

### Article – Insurance

~~15-140.~~

- ~~(A) IN THIS SECTION, "CARRIER" MEANS:~~
- ~~(1) AN INSURER;~~
  - ~~(2) A NONPROFIT HEALTH SERVICE PLAN;~~
  - ~~(3) A HEALTH MAINTENANCE ORGANIZATION;~~
  - ~~(4) A DENTAL PLAN ORGANIZATION; OR~~
  - ~~(5) ANY OTHER PERSON THAT PROVIDES HEALTH BENEFIT PLANS SUBJECT TO REGULATION BY THE STATE.~~
- ~~(B) AT THE TIME OF FILING A PROPOSED RATE INCREASE FOR A HEALTH BENEFIT PLAN WITH THE COMMISSIONER, A CARRIER SHALL SEND WRITTEN NOTICE TO EACH INSURED AFFECTED BY THE PROPOSED RATE INCREASE THAT:~~
- ~~(1) THE CARRIER HAS FILED A PROPOSED RATE INCREASE FOR THE INSURED'S HEALTH BENEFIT PLAN WITH THE COMMISSIONER; AND~~
  - ~~(2) THE INSURED MAY COMMENT ON THE PROPOSED RATE INCREASE BY SUBMITTING COMMENTS TO THE COMMISSIONER:~~
    - ~~(i) DURING THE 30-DAY PUBLIC COMMENT PERIOD AFTER THE RATE INCREASE IS FILED; AND~~
    - ~~(ii) IN THE MANNER PROVIDED FOR ON THE ADMINISTRATION'S WEB SITE.~~
- ~~(C) IF A CARRIER HAS AN ELECTRONIC MAIL ADDRESS FOR AN INSURED AFFECTED BY A PROPOSED RATE INCREASE FOR A HEALTH BENEFIT PLAN, THE CARRIER MAY PROVIDE THE NOTICE REQUIRED BY SUBSECTION (B) OF THIS SECTION TO THE INSURED BY ELECTRONIC MAIL.~~
- ~~(D) THE COMMISSIONER MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

11-604.

A CARRIER SHALL PROVIDE NOTICE ANNUALLY TO ITS INSUREDS AND ENROLLEES, AND POST A NOTICE ON THE CARRIER'S WEB SITE, THAT AN INSURED OR ENROLLEE MAY ACCESS INFORMATION ABOUT PROPOSED RATE

**INCREASES AND SUBMIT COMMENTS REGARDING PROPOSED RATE INCREASES  
ON THE ADMINISTRATION'S WEB SITE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

**Approved by the Governor, May 2, 2013.**