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§8–301.

(a) In this subtitle the following words have the meanings indicated.

(b) (1) “Administrator” means a person that, to the extent that the person acting for an insurer or plan sponsor, has:

(i) control over or custody of premiums, contributions, or any other money with respect to a plan, for any period of time; or

(ii) discretionary authority over the adjustment, payment, or settlement of benefit claims under a plan or over the investment of a plan’s assets.

(2) “Administrator” does not include a person that:

(i) with respect to a particular plan:

1. is, or is an employee of, the plan sponsor;

2. is, or is an employee, insurance producer, managing general agent of, an insurer or health maintenance organization that insures or administers the plan; or

3. is an insurance producer that solicits, procures, or negotiates a plan for a plan sponsor and that has no authority over the adjustment, payment, or settlement of benefit claims under the plan or over the investment or handling of the plan’s assets;

(ii) is retained by the Life and Health Insurance Guaranty Corporation to administer a plan underwritten by an impaired insurer that is subject to an order of conservation, liquidation, or rehabilitation;

(iii) is a participant or beneficiary of a plan that provides for individual accounts and allows a participant or beneficiary to exercise investment control over assets in the participant’s or beneficiary’s account, and the participant or beneficiary exercises that investment control;

(iv) administers only plans that are subject to ERISA and that do not provide benefits through insurance, unless any of the plans administered is a multiple employer welfare arrangement as defined in § 514(b)(6)(A)(ii) of ERISA;

(v) is, or is an employee of, a bank, savings bank, trust company, savings and loan association, or credit union that is regulated under the laws of this State, another state, or the United States;

(vi) is, or is an employee of, a person that is registered as:

1. an investment adviser under the Investment Advisers Act of 1940 or the Maryland Securities Act;

2. a broker–dealer or transfer agent under the Securities Exchange Act of 1934 or the Maryland Securities Act; or

3. an investment company under the Investment Company Act of 1940; or

(vii) is, or is an employee of, the Maryland Health Benefit Exchange, including the Maryland Health Benefit Exchange’s Consolidated Services Center.

(c) “Employee organization” means:

(1) a labor union or other labor organization;

(2) an agency or employee representation committee, association, group, or plan:

(i) in which employees participate; and

(ii) that exists for the purpose, wholly or partly, of dealing with employers about a plan or other matters incidental to employment relationships; or

(3) an employees’ beneficiary association that is organized for the purpose, wholly or partly, to establish a plan.

(d) (1) “Employer” means a person that, in relation to a plan, acts directly as an employer or indirectly in the interest of an employer.

(2) “Employer” includes a group or association of employers acting for an employer.

(e) “ERISA” means the federal Employee Retirement Income Security Act of 1974.

(f) (1) “Plan” means a fund or other arrangement that is established, maintained, or contributed to by an employer, employee organization, or both, to the extent that the fund or arrangement was established or is maintained for the purpose of:

(i) providing for participants or beneficiaries, any of whom are residents of the State, through the purchase of insurance or otherwise:

1. medical, surgical, or hospital care or benefits;

2. benefits in the event of sickness, accident, disability, death,

or unemployment;

3. vacation benefits;
4. apprenticeship or other training programs;
5. child care centers;
6. scholarship funds;
7. prepaid legal services;
8. severance pay arrangements; or
9. supplemental retirement income payments; or

(ii) providing retirement income to or allowing the deferral of income by employees, any of whom are residents of the State, until or after the termination of covered employment.

(2) “Plan” does not include a fund or arrangement established or maintained solely for the purpose of complying with the workers’ compensation laws of the State.

(g) “Plan sponsor” means:

(1) the employer, for a plan established or maintained by a single employer;

(2) the employee organization, for a plan established or maintained by an employee organization; or

(3) the association, committee, joint board of trustees, or other similar group of representatives of the parties that establish or maintain the plan, for a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.

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