

Chapter 54

**(Senate Bill 212)**

AN ACT concerning

**Health Insurance – Large Employers – Disclosure of Aggregate Incurred Claims**

FOR the purpose of requiring a health insurance carrier to disclose certain aggregate incurred claims to a large employer under certain circumstances; requiring the disclosure to be made at a certain time and in a certain format; defining certain terms; and generally relating to disclosure of aggregate incurred claims to a large employer by a carrier.

BY adding to

Article – Insurance

Section 15–1411

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

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

**Article – Insurance**

**15–1411.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “AGGREGATE INCURRED CLAIMS” MEANS THE TOTAL CLAIMS INCURRED IN THE EXPERIENCE PERIOD THAT THE CARRIER USES TO EXPERIENCE RATE A LARGE EMPLOYER’S HEALTH BENEFIT PLAN.**

**(3) “EXPERIENCE RATING” MEANS THAT A CARRIER DEVELOPS THE PREMIUM RATES FOR AN EMPLOYER’S HEALTH BENEFIT PLAN BASED IN WHOLE OR IN PART ON THE CLAIMS EXPERIENCE OF THE GROUP THAT CONSISTS OF THE EMPLOYER’S EMPLOYEES OR EMPLOYEES’ DEPENDENTS.**

**(4) “LARGE EMPLOYER” MEANS AN EMPLOYER THAT IS NOT A SMALL EMPLOYER AS DEFINED IN § 31–101 OF THIS ARTICLE.**

**(B) IF A CARRIER IS EXPERIENCE RATING A LARGE EMPLOYER’S HEALTH BENEFIT PLAN, THE CARRIER SHALL DISCLOSE THE AGGREGATE INCURRED CLAIMS OF THE GROUP TO THE LARGE EMPLOYER.**

~~(1) AT THE TIME NEW PREMIUM RATES ARE PROVIDED TO THE LARGE EMPLOYER; AND~~

~~(2)~~ WITHIN 30 DAYS AFTER RECEIPT OF A REQUEST FROM THE LARGE EMPLOYER.

(C) THE AGGREGATE INCURRED CLAIMS REQUIRED TO BE DISCLOSED UNDER SUBSECTION (B) OF THIS SECTION SHALL BE PROVIDED IN A FORMAT THAT COMPLIES WITH THE PRIVACY REQUIREMENTS OF THE FEDERAL HEALTH INSURANCE PORTABILITY AND ACCESSIBILITY ACT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2016.

Approved by the Governor, April 12, 2016.