

MARYLAND REGISTER

## Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 31.10.40.01 —.08

**Corresponding Federal Standard:**

The requirement for the issuance of child only policies by all carriers in the individual health benefit plan market is found in 45 CFR 147.150(c). The requirement of specific open enrollment periods for all individuals, including children, is found in 45 CFR 155.410.

**Discussion/Justification:**

These regulations established standardized open enrollment periods for carriers in the individual health benefit plan market, if the carriers offered child only policies in Maryland. The federal Affordable Care Act now requires that all carriers in the individual health benefit plan market offer child only policies and establishes different open enrollment periods than set forth in these regulations.

### TO BE COMPLETED BY DBED

- Agree

-Disagree

**Comments:**

Name: Sally Kenyon Grant

Date: 2/28/2014

-Submit to Governor's Office

**Governor's Office Response**

**Comments:**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	02/28/2014	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 3/21/2014**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

31 10 40 01—.08

**3. Name of Promulgating Authority**

Maryland Insurance Administration

**4. Name of Regulations Coordinator**

Katrina Lawhorn

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**5. Name of Person to Call About this Document**

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**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: January 27, 2014.

Repeal of Existing Regulations



### **31.10.40 Child Only Policies**

Authority: Insurance Article, §§2-109(a)(1), 12-203(g), 12-209(4), and 15-137, Annotated Code of Maryland

#### **Notice of Proposed Action**

□

The Insurance Commissioner proposes to repeal Regulations .01—.08 under COMAR 31.10.40 Child Only Policies.

#### **Statement of Purpose**

The purpose of this action is to repeal COMAR 31.10.40.01—.08 because these regulations are no longer needed. These regulations established standardized open enrollment periods for carriers in the individual health benefit plan market, if the carriers offered child only policies in Maryland. The federal Affordable Care Act now requires that all carriers in the individual health benefit plan market offer child only policies and establishes different open enrollment periods than set forth in these regulations.

#### **Comparison to Federal Standards**

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

#### **Estimate of Economic Impact**

The proposed action has no economic impact.

#### **Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

#### **Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

#### **Opportunity for Public Comment**

Comments may be sent to Katrina Lawhorn, Regulations Coordinator, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, or call 410-468-2450, or email to [katrina.lawhorn@maryland.gov](mailto:katrina.lawhorn@maryland.gov), or fax to 410-468-2020. Comments will be accepted through April 21, 2014. A public hearing has not been scheduled.

#### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 0

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No funds are needed to implement the repeal of this chapter.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

This action does not have an economic impact under Part A because the chapter is being repealed. The chapter sets forth standardized open enrollment periods for carriers that offer child only policies in the individual health benefit plan market. Under the federal Affordable Care Act, there are different open enrollment periods that apply each year and that apply to all individuals, including children. For example, in 2014 all individuals can apply for guaranteed coverage from January 1, 2014 through March 31, 2014. There will also be an open enrollment period for all individuals from November 15, 2014 through January 15, 2015. Additionally, individuals who acquire a new child through birth, adoption, assumption of guardianship, or accepting a foster child into their home will be eligible for an open enrollment period for applying for coverage for such child.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The repeal of these regulations does not directly impact small businesses. The regulations did not apply to the small group market.

G. Small Business Worksheet: