

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Maryland Insurance Administration
(DLS Control No. 16-010)**

Overview and Legal and Fiscal Impact

The regulations repeal the defined term “bona fide wellness program”, define “wellness program”, and substitute references to a “bona fide wellness program” for the term “wellness program” throughout the COMAR chapter that establishes limits on the value of incentives offered by health insurance carriers in wellness programs.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland Insurance Administration:

Health Insurance – General: Wellness Program Incentives: COMAR 31.10.38.01-.05

Legal Analysis

Summary of Regulations

The regulations repeal the defined term “bona fide wellness program”, define “wellness program” consistent with § 27-210(h)(1) of the Insurance Article, and substitute references to a “bona fide wellness program” for the term “wellness program” throughout the COMAR chapter that establishes limits on the value of incentives offered by health insurance carriers in wellness programs.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The Maryland Insurance Administration cites §§ 2-109(a)(1) and 27-210(h)(4) of the Insurance Article as statutory authority for the regulations. Section 2-109(a)(1) authorizes the Maryland Insurance Commissioner to adopt regulations to carry out specified provisions of law. Section 27-210(h)(4) requires the Commissioner to adopt regulations to implement specified provisions of law relating to a wellness program.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that, as the regulations make technical changes to a definition to be consistent with current law, there is no fiscal impact on State or local governments. The Department of Legislative Services concurs.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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