

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	02/09/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 3/18/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

31 10 38 01-.05

3. Name of Promulgating Authority

Maryland Insurance Administration

4. Name of Regulations Coordinator

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Title 31
MARYLAND INSURANCE ADMINISTRATION
Subtitle 10 HEALTH INSURANCE — GENERAL

31.10.38 Wellness Program Incentives

Authority: Insurance Article, §§2-109(a)(1) and 27-210(h)(4), Annotated Code of Maryland

Notice of Proposed Action

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The Insurance Commissioner proposes to amend Regulations .01-.05 under COMAR 31.10.38 Wellness Program Incentives.

Statement of Purpose

The purpose of this action is to replace the definition of “bona fide wellness program” with the defined term “wellness program,” consistent with Insurance Article section 27-210(h)(1), Annotated Code of Maryland. Additionally, all references to the term “bona fide wellness program” in the chapter are being replaced by the term “wellness program.”

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

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 Catherine Grason, Director of Regulatory Affairs, Maryland Insurance Administration, 200 St. Paul Place, Ste. 2700, Baltimore, MD 21202, or call 410-468-2201, or email to insuranceregreview.mia@maryland.gov, or fax to 410-468-2020. Comments will be accepted through April 18, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 16

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 these amendments to current regulations.

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

The amendments to these regulations have no economic impact because the amendments implement a technical change to a definition, which is required to be consistent with Maryland law. There are no new requirements added by this regulatory action.

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 amendments to these regulations will have no economic impact on small businesses because the amendments implement a technical change to a definition, which is required to be consistent with Maryland law. There are no new requirements added by this regulatory action.

G. Small Business Worksheet:

Attached Document:

Title 31 MARYLAND INSURANCE ADMINISTRATION

Subtitle 10 HEALTH INSURANCE — GENERAL

Chapter 38 Wellness Program Incentives

Authority: Insurance Article, §§2-109(a)(1) and 27-210(h)(4), Annotated Code of Maryland

.01 Purpose.

The purpose of this chapter is to establish a limit on the value of incentives offered by carriers in [bona fide] wellness programs.

.02 Scope.

This chapter applies only to the [bona fide] wellness programs as defined in Regulation .03 of this chapter, and Insurance Article, §27-210(h)(1), Annotated Code of Maryland.

.03 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) ["Bona fide wellness program" has the meaning stated in Insurance Article, §15-509, Annotated Code of Maryland.

(2)] "Carrier" means:

(a) An insurer;

- (b) A nonprofit health service plan;
- (c) A health maintenance organization; or
- (d) A dental plan organization.

(2) *“Wellness program” has the meaning defined in Insurance Article, §27-210(h)(1), Annotated Code of Maryland.*

.04 Incentive Permitted.

A carrier may offer an incentive for participation in a [bona fide] wellness program if the incentive:

- A. Is reasonably related to the [bona fide] wellness program; and
- B. Does not have a value that exceeds any limit established by Regulation .05 of this chapter.

.05 Value of Incentive Offered.

An incentive offered for participation in a [bona fide] wellness program by a carrier may not have a value that exceeds \$500 per year, per individual who is an insured, a subscriber, or a member.