

By: Delegate Barve

Introduced and read first time: February 8, 1996

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 1996

CHAPTER ____

1 AN ACT concerning

2 **Health Maintenance Organizations - Rates and Contracts**

3 FOR the purpose of providing that the Insurance Commissioner shall review certain
4 filings by health maintenance organizations; providing grounds for disapproval of a
5 filing; providing that the Insurance Commissioner shall send certain notice of
6 disapproval; and generally relating to health maintenance organizations and rates
7 and contracts.

8 BY repealing and reenacting, with amendments,
9 Article - Health - General
10 Section 19-713
11 Annotated Code of Maryland
12 (1990 Replacement Volume and 1995 Supplement)

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

15 **Article - Health - General**

16 19-713.

17 (a) Each health maintenance organization shall file with the Commissioner,
18 before they become effective:

19 (1) All rates that the health maintenance organization charges subscribers
20 or groups of subscribers; and

21 (2) The form and content of each contract between the health maintenance
22 organization and its subscribers or groups of subscribers.

1 (b) Rates of a health maintenance organization may not be excessive, inadequate,
2 or unfairly discriminatory in relation to the services offered.

3 (c) (1) If, at any time, a health maintenance organization wishes to amend any
4 contract with its subscribers or change any rate charged, the health maintenance
5 organization shall file with the Commissioner the number of copies of the amendment or
6 rate change that the Commissioner requires.

7 (2) The Commissioner shall provide the Department with the number of
8 copies it requires.

9 (D) THE COMMISSIONER SHALL COORDINATE THE CONTRACT AND RELATED
10 RATE FILING REVIEW UNDER THIS SECTION.

11 (E) (1) IF WITHIN 60 DAYS AFTER A FILING MADE PURSUANT TO THIS
12 SECTION, THE COMMISSIONER FINDS THE FILING DOES NOT MEET THE
13 REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION, ~~HE SHALL SEND THE FILER~~
14 SHALL BE SENT NOTICE OF DISAPPROVAL SPECIFYING IN WHAT RESPECTS THE
15 COMMISSIONER FINDS THAT THE FILING FAILS TO MEET THE REQUIREMENTS OF
16 THIS SECTION AND STATING THAT THE FILING SHALL NOT BECOME EFFECTIVE.

17 (2) THE COMMISSIONER MAY NOT ISSUE A NOTICE OF DISAPPROVAL OF
18 A FILING UNDER SUBSECTION (F) OF THIS SECTION WITHOUT A STATUTORY OR
19 REGULATORY BASIS FOR THE DISAPPROVAL AND AN EXPLANATION OF THE
20 APPLICATION OF THE STATUTORY OR REGULATORY BASIS WHICH RESULTED IN
21 THE DISAPPROVAL.

22 (F) THE COMMISSIONER SHALL DISAPPROVE ANY FORM FILED, OR
23 WITHDRAW ANY PREVIOUS APPROVAL, IF THE FORM:

24 (1) IS IN ANY RESPECT IN VIOLATION OR DOES NOT COMPLY WITH THIS
25 ARTICLE OR APPLICABLE REGULATIONS;

26 (2) CONTAINS, OR INCORPORATES BY REFERENCE, ANY INCONSISTENT
27 ~~OR INCONSISTENT~~ OR INAPPLICABLE CLAUSES, EXCEPTIONS, OR CONDITIONS
28 WHICH AFFECT THE RISK PURPORTED TO BE ASSUMED IN THE GENERAL COVERAGE
29 OF THE CONTRACT;

30 (3) HAS ANY TITLE, HEADING, OR OTHER INDICATION OF ITS
31 PROVISIONS WHICH IS LIKELY TO MISLEAD THE SUBSCRIBER OR MEMBER;

32 (4) INCLUDES PROVISIONS THAT ARE INEQUITABLE, OR PROVISIONS
33 THAT LACK ANY SUBSTANTIAL BENEFIT TO THE SUBSCRIBER OR MEMBER;

34 (5) IS PRINTED OR OTHERWISE REPRODUCED IN A MANNER AS TO
35 RENDER ANY PROVISION OF THE FORM SUBSTANTIALLY ILLEGIBLE; OR

36 (6) PROVIDES BENEFITS THAT ARE UNREASONABLE IN RELATION TO
37 THE PREMIUM CHARGED.

38 [(d)] (G) Unless the Commissioner disapproves a filing under this section, the
39 filing becomes effective 60 days after the office of the Commissioner receives the filing or
40 on any other date that the Commissioner sets.

HOUSE BILL 1148

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.