

---

By: **Senators Hoffman and Hollinger**  
Introduced and read first time: February 5, 1999  
Assigned to: Finance

---

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Treatment of Morbid Obesity**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and  
4 health maintenance organizations to provide coverage for the expenses incurred  
5 by certain obese patients for surgical treatment under certain circumstances;  
6 defining certain terms; and generally relating to coverage of expenses for  
7 treatment of morbid obesity under health insurance.

8 BY adding to  
9 Article - Insurance  
10 Section 15-829  
11 Annotated Code of Maryland  
12 (1997 Volume and 1998 Supplement)

13 BY adding to  
14 Article - Health - General  
15 Section 19-706(ff)  
16 Annotated Code of Maryland  
17 (1996 Replacement Volume and 1998 Supplement)

18 **Preamble**

19 WHEREAS, Obesity is a significant health problem affecting hundreds of  
20 thousands of Maryland residents; and

21 WHEREAS, Severe or morbid obesity increases the mortality rate more than  
22 threefold, causes physical and emotional disability, is often associated with co-morbid  
23 conditions compounding its adverse impact on longevity and quality of life, and is  
24 amenable to established surgical treatment; and

25 WHEREAS, Like other chronic diseases, obesity is caused or aggravated by  
26 many factors including genetics, behavior, metabolism, and environment, certain  
27 therapeutic interventions can alter its course and severity, and therefore, obesity  
28 should be treated for purposes of insurance like other medical conditions; and

1 WHEREAS, Health insurance policies commonly exclude coverage for the  
2 treatment of obesity, even when severe or morbid and complicated by co-morbid  
3 conditions; now, therefore,

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

6 **Article - Insurance**

7 15-829.

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

10 (2) "BODY MASS INDEX" MEANS A PRACTICAL MARKER THAT IS USED TO  
11 ASSESS THE DEGREE OF OBESITY AND IS CALCULATED BY DIVIDING THE WEIGHT IN  
12 KILOGRAMS BY THE HEIGHT IN METERS SQUARED.

13 (3) "MORBID OBESITY" MEANS A BODY MASS INDEX GREATER THAN 35  
14 KILOGRAMS PER METER SQUARED.

15 (B) THIS SECTION APPLIES TO:

16 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE  
17 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN  
18 EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS  
19 THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

20 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL,  
21 MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS  
22 THAT ARE ISSUED OR DELIVERED IN THE STATE.

23 (C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR  
24 THE EXPENSES INCURRED BY A PATIENT WITH MORBID OBESITY FOR ESTABLISHED  
25 SURGICAL TREATMENT WHEN:

26 (1) ALL NONSURGICAL MEDICAL THERAPIES HAVE FAILED; AND

27 (2) THE BODY MASS INDEX OF THE PATIENT EXCEEDS:

28 (I) 40 KILOGRAMS PER METER SQUARED; OR

29 (II) 35 KILOGRAMS PER METER SQUARED IN THE PRESENCE OF  
30 HYPERTENSION, DIABETES, HIGH LDL CHOLESTEROL, LOW HDL CHOLESTEROL,  
31 HYPERTRIGLYCERIDEMIA, SLEEP-APNEA SYNDROME, OSTEOARTHRITIS, OR OTHER  
32 MEDICAL CONDITIONS CONSIDERED BY A PHYSICIAN POTENTIALLY REMEDIABLE BY  
33 SIGNIFICANT WEIGHT REDUCTION.

34 (D) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE THE BENEFITS  
35 REQUIRED UNDER THIS SECTION TO THE SAME EXTENT AS FOR ANY OTHER

1 MEDICAL CONDITION UNDER THE ENROLLEE'S OR INSURED'S CONTRACT OR POLICY  
2 WITH THE ENTITY.

3

**Article - Health - General**

4 19-706.

5 (FF) THE PROVISIONS OF § 15-829 OF THE INSURANCE ARTICLE APPLY TO  
6 HEALTH MAINTENANCE ORGANIZATIONS.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 1999.