

SENATE BILL 496

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SB 332/99 - FIN

2000 Regular Session
0lr2027

By: **Senators Hoffman and Hollinger**
Introduced and read first time: February 4, 2000
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; providing for the application of this Act; and generally
7 relating to coverage of expenses for treatment of morbid obesity under health
8 insurance.

9 BY adding to
10 Article - Insurance
11 Section 15-835
12 Annotated Code of Maryland
13 (1997 Volume and 1999 Supplement)

14 BY adding to
15 Article - Health - General
16 Section 19-706(nn)
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1999 Supplement)

19 **Preamble**

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

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

26 WHEREAS, Like other chronic diseases, obesity is caused or aggravated by
27 many factors including genetics, behavior, metabolism, and environment, certain

1 therapeutic interventions can alter its course and severity, and therefore, obesity
2 should be treated for purposes of insurance like other medical conditions; and

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

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

8 **Article - Insurance**

9 15-835.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

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

15 (3) "MORBID OBESITY" MEANS A BODY MASS INDEX GREATER THAN 40
16 KILOGRAMS PER METER SQUARED.

17 (B) THIS SECTION APPLIES TO:

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

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

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

28 (1) A PHYSICIAN DETERMINES THAT SURGICAL TREATMENT IS
29 MEDICALLY NECESSARY;

30 (2) ALL NONSURGICAL MEDICAL THERAPIES, AS DETERMINED BY THE
31 PHYSICIAN, HAVE FAILED; AND

32 (3) THE BODY MASS INDEX OF THE PATIENT EXCEEDS:

33 (I) 40 KILOGRAMS PER METER SQUARED; OR

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

6 (D) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE THE BENEFITS
7 REQUIRED UNDER THIS SECTION TO THE SAME EXTENT AS FOR ANY OTHER
8 MEDICAL CONDITION UNDER THE ENROLLEE'S OR INSURED'S CONTRACT OR POLICY
9 WITH THE ENTITY.

10 **Article - Health - General**

11 19-706.

12 (NN) THE PROVISIONS OF § 15-835 OF THE INSURANCE ARTICLE APPLY TO
13 HEALTH MAINTENANCE ORGANIZATIONS.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
15 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
16 on or after October 1, 2000. Any policy, contract, or health benefit plan in effect before
17 October 1, 2000, shall comply with the provisions of this Act no later than October 1,
18 2001.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.