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By: **Senators Hoffman and Hollinger**  
Introduced and read first time: February 4, 2000  
Assigned to: Finance

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 7, 2000

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CHAPTER\_\_\_\_\_

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

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

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

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

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

14 **Article - Insurance**

15 15-835.

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

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

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

23 (B) THIS SECTION APPLIES TO:

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

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

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

34 ~~(+) A PHYSICIAN DETERMINES THAT SURGICAL TREATMENT IS~~  
35 ~~MEDICALLY NECESSARY;~~

1           (2)     (1)     ALL NONSURGICAL MEDICAL THERAPIES, AS DETERMINED BY  
2 THE PHYSICIAN, HAVE FAILED; AND

3           (3)     (2)     THE BODY MASS INDEX OF THE PATIENT EXCEEDS:

4                     (I)     40 KILOGRAMS PER METER SQUARED; OR

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

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

14                                     **Article - Health - General**

15 19-706.

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

18     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
19 policies, contracts, and health benefit plans issued, delivered, or renewed in the State  
20 on or after October 1, 2000. ~~Any policy, contract, or health benefit plan in effect before~~  
21 ~~October 1, 2000, shall comply with the provisions of this Act no later than October 1,~~  
22 ~~2001.~~

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