

SENATE BILL 518

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2000 Regular Session
0lr1551

By: **Senators Van Hollen, Dorman, Pinsky, McFadden, Teitelbaum, Kelley,
Ruben, Frosh, Lawlah, DeGrange, Exum, and Green**

Introduced and read first time: February 4, 2000

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2000

CHAPTER _____

1 AN ACT concerning

2 **Health Benefit Plans - Smoking Cessation - Coverage**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, health
4 maintenance organizations, and managed care organizations to provide
5 coverage for certain ~~treatment and assistance relating to participation in~~
6 smoking cessation programs ~~or treatment plans~~ under certain circumstances;
7 limiting certain coverage under this Act; providing for the application and and
8 construction of this Act; defining a certain term; requiring the Department of
9 Health and Mental Hygiene to consider the requirements of this Act in the
10 Department's review of managed care organizations' payment schedules;
11 requiring that payments to managed care organizations be adjusted to reflect
12 certain costs; and generally relating to coverage under health benefit plans for
13 smoking cessation programs ~~or treatment plans~~.

14 BY adding to
15 Article - Insurance
16 Section 15-835
17 Annotated Code of Maryland
18 (1997 Volume and 1999 Supplement)

19 BY adding to
20 Article - Health - General
21 Section 19-706(nn)
22 Annotated Code of Maryland
23 (1996 Replacement Volume and 1999 Supplement)

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

3 **Article - Insurance**

4 15-835.

5 (A) IN THIS SECTION, A "QUIT ATTEMPT" MEANS A SMOKING CESSATION
6 PROGRAM THAT ~~INCLUDES THE FOLLOWING~~ CONSISTS OF:

7 (1) TWO OFFICE VISITS WITH THE ~~PATIENTS'~~ PATIENT'S TREATING
8 PHYSICIAN OR OTHER APPROPRIATE LICENSED HEALTH CARE PROVIDER;

9 (2) ONE FOLLOW-UP PHONE CALL FROM THE TREATING PHYSICIAN,
10 APPROPRIATE LICENSED HEALTH CARE PROVIDER, OR AN APPROPRIATE DESIGNEE;

11 (3) A 2-MONTH SUPPLY OF DRUGS APPROVED FOR SMOKING CESSATION
12 PURPOSES BY THE FEDERAL FOOD AND DRUG ADMINISTRATION AS ~~DEEMED~~
13 NECESSARY PRESCRIBED BY THE TREATING PHYSICIAN OR OTHER APPROPRIATE
14 LICENSED HEALTH CARE PROVIDER; AND

15 (4) 2 MONTHS OF COUNSELING OR SMOKING CESSATION CLASSES AS
16 ~~DEEMED NECESSARY~~ PRESCRIBED BY THE TREATING PHYSICIAN OR OTHER
17 APPROPRIATE LICENSED HEALTH CARE PROVIDER.

18 (B) THIS SECTION APPLIES TO:

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

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

26 (3) MANAGED CARE ORGANIZATIONS, AS DEFINED IN ~~TITLE 15,~~
27 SUBTITLE 1 § 15-101 OF THE HEALTH - GENERAL ARTICLE.

28 (C) AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES COVERAGE FOR
29 PRESCRIPTION DRUGS SHALL PROVIDE COVERAGE FOR UP TO THREE QUIT
30 ATTEMPTS PER FOR EACH ENROLLEE OR INSURED.

31 (D) THIS SECTION DOES NOT REQUIRE AN ENTITY SUBJECT TO THIS SECTION
32 TO PROVIDE COVERAGE FOR OVER-THE-COUNTER PRODUCTS.

1

Article - Health - General

2 19-706.

3 (NN) THE REQUIREMENTS OF § 15-835 OF THE INSURANCE ARTICLE APPLY TO
4 HEALTH MAINTENANCE ORGANIZATIONS.

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

10 SECTION 3. AND BE IT FURTHER ENACTED, That:

11 (a) the Department of Health and Mental Hygiene shall consider the
12 requirements of this Act shall be considered as part of the Department of Health and
13 Mental Hygiene's in the Department's review of managed care organizations'
14 payment schedules; and

15 (b) payments to managed care organizations shall be adjusted annually to
16 reflect any additional costs incurred by the managed care organizations as a result of
17 the requirements of this Act.

18 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2000.