

SENATE BILL 522

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SB 496/00 - FIN

2001 Regular Session
11r0385
CF 11r0386

By: **Senators Hoffman and Hollinger**

Introduced and read first time: February 2, 2001

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, health
4 maintenance organizations, managed care organizations, and carriers to provide
5 coverage for the expenses incurred by certain obese patients for surgical
6 treatment under certain circumstances; authorizing certain benefits to be
7 provided through a managed care system; defining certain terms; providing for
8 the application of this Act; and generally relating to coverage of expenses for
9 treatment of morbid obesity under health insurance.

10 BY adding to

11 Article - Insurance

12 Section 15-837

13 Annotated Code of Maryland

14 (1997 Volume and 2000 Supplement)

15 BY adding to

16 Article - Health - General

17 Section 19-706(rr)

18 Annotated Code of Maryland

19 (2000 Replacement Volume)

20 Preamble

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

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

27 WHEREAS, Like other chronic diseases, obesity is caused or aggravated by
28 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 comorbid
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 15-837.

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) "MANAGED CARE SYSTEM" MEANS A METHOD THAT AN INSURER,
16 NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION
17 USES TO REVIEW AND PREAUTHORIZE A TREATMENT PLAN THAT A HEALTH CARE
18 PRACTITIONER DEVELOPS FOR A COVERED PERSON USING A VARIETY OF COST
19 CONTAINMENT METHODS TO CONTROL UTILIZATION, QUALITY, AND CLAIMS.

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

22 (B) THIS SECTION APPLIES TO:

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

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

30 (3) MANAGED CARE ORGANIZATIONS, AS DEFINED IN § 15-101 OF THE
31 HEALTH - GENERAL ARTICLE; AND

32 (4) CARRIERS THAT OFFER HEALTH BENEFIT PLANS UNDER TITLE 15,
33 SUBTITLE 12 OF THE INSURANCE ARTICLE.

34 (C) SUBJECT TO SUBSECTION (E) OF THIS SECTION, AN ENTITY SUBJECT TO
35 THIS SECTION SHALL PROVIDE COVERAGE FOR THE EXPENSES INCURRED BY A
36 PATIENT WITH MORBID OBESITY FOR ESTABLISHED SURGICAL TREATMENT IF:

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

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 (E) AN ENTITY SUBJECT TO THIS SECTION MAY PROVIDE THE BENEFITS
15 REQUIRED UNDER THIS SECTION THROUGH A MANAGED CARE SYSTEM.

16 **Article - Health - General**

17 19-706.

18 (RR) THE PROVISIONS OF § 15-837 OF THE INSURANCE ARTICLE APPLY TO
19 HEALTH MAINTENANCE ORGANIZATIONS.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
21 policies, contracts, and health benefit plans issued, delivered, or renewed in the State
22 on or after October 1, 2001.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2001.