

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 1100

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; in the sponsor line, strike “Delegate Pendergrass” and substitute “Delegates Pendergrass, Hammen, Benson, Boutin, Bromwell, Costa, Donoghue, Elliott, Goldwater, Haynes, Hubbard, Hurson, Kach, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Rosenberg, Rudolph, Smigiel, V. Turner, and Weldon”; strike line 2 in its entirety and substitute:

“Health Insurance Coverage Availability Act of 2003”;

in line 3, after the first “of” insert “making certain health insurance coverage available to certain individuals who lose coverage under certain circumstances and are eligible for a certain federal tax credit; making certain health insurance coverage available to certain individuals who lose coverage under a certain plan; requiring certain insurers to issue a Medicare supplemental policy to certain individuals; providing that certain provisions of this Act prevail over certain regulations; requiring the Maryland Insurance Administration to issue notice of certain requirements to certain carriers;”; in the same line, strike “altering the composition of” and substitute “adding members to”; in line 4, after the semicolon insert “specifying the appointment process for the additional members of the Board; requiring the Maryland Insurance Administration to give a certain notice and make a certain request to the Centers for Medicare and Medicaid Services; defining certain terms; making this Act an emergency measure;”; in line 5, after “Plan” insert “and health insurance coverage”; in line 13, after “Section” insert “14-501(f) and”; and in the same line, after “(c)” insert “and (d)”.

AMENDMENT NO. 2

On page 1, after line 22, insert:

“(f) (1) “Medically uninsurable individual” means an individual who is a resident of the State and who:

(Over)

(i) provides evidence that, for health reasons, a carrier has refused to issue substantially similar coverage to the individual;

(ii) provides evidence that, for health reasons, a carrier has refused to issue substantially similar coverage to the individual, except at a rate that exceeds the Plan rate;

(iii) satisfies the definition of “eligible individual” under § 15-1301 of this article;

(iv) has a history of or suffers from a medical or health condition that is included on a list promulgated in regulation by the Board; [or]

(v) IS ELIGIBLE FOR THE TAX CREDIT FOR HEALTH INSURANCE COSTS UNDER § 35 OF THE INTERNAL REVENUE CODE; OR

(VI) is a dependent of an individual who is eligible for coverage under this subsection.

(2) “Medically uninsurable individual” does not include an individual who is eligible for coverage under:

(i) the federal Medicare program;

(ii) the Maryland Medical Assistance Program;

(iii) the Maryland Children’s Health Program; or

(iv) an employer-sponsored group health insurance plan that includes benefits comparable to Plan benefits.”.

AMENDMENT NO. 3

On page 2, in line 23, strike “A REPRESENTATIVE OF” and substitute “APPOINTED BY THE COMMISSIONER TO REPRESENT”; in line 25, strike “AN INSURANCE PRODUCER” and substitute “APPOINTED BY THE COMMISSIONER TO REPRESENT INSURANCE PRODUCERS”; and in line 26, after “STATE.” insert:

“(d) (1) The Board member appointed under subsection (c)(5) of this section shall be a consumer who does not have a substantial financial interest in a person regulated under this article

or under Title 19, Subtitle 7 of the Health - General Article.

(2) The term of [the] A consumer member AND A MEMBER APPOINTED BY THE COMMISSIONER is 4 years.

(3) At the end of a term, [the] A consumer member AND A MEMBER APPOINTED BY THE COMMISSIONER [continues] CONTINUE to serve until a successor is appointed and qualifies.

(4) [The] A consumer member AND A MEMBER APPOINTED BY THE COMMISSIONER who [is] ARE appointed after a term has begun [serves] SERVE only for the rest of the term and until a successor is appointed and qualifies.”.

AMENDMENT NO. 4

On page 2, after line 26, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section prevails over any inconsistent provisions of the Code of Maryland Regulations 31.10.06.09-1.

(b) In this section, the terms “carrier”, “Medicare”, and “Medigap policy” have the meanings stated in § 15-901 of the Insurance Article.

(c) A carrier that issues Medigap policies in the State shall issue a Medigap policy to an individual eligible for Medicare if:

(1) the individual is enrolled under an employee welfare benefit plan that provides health benefits;

(2) the employee welfare benefit plan in which the individual is enrolled terminates;

(Over)

(3) solely because of eligibility for Medicare, the individual is not eligible for credit for health insurance costs under § 35 of the Internal Revenue Code and enrollment in the Maryland Health Insurance Plan under § 14-501(f) of the Insurance Article, as enacted by Section 1 this Act; and

(4) the individual applies for the Medigap policy no later than 63 days after the employee welfare benefit plan terminates.

(d) The Maryland Insurance Administration shall issue notice of the requirements of this section to each affected carrier in the State.”.

AMENDMENT NO. 5

On page 2, before line 27, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2003, the Maryland Insurance Administration shall notify the Centers for Medicare and Medicaid Services that the State has established the Maryland Health Insurance Plan and shall request that the Maryland Health Insurance Plan be approved as an acceptable “alternative mechanism” under the federal Health Insurance Portability and Accountability Act in accordance with 45 CFR 148.128(e).”.

AMENDMENT NO. 6

On page 2, in line 27, strike “2.” and substitute “4.”; and in lines 27 and 28, strike “shall take effect June 1, 2003” and substitute “is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted”.