

HOUSE BILL 610

C3

(9lr1295)

ENROLLED BILL

—Health and Government Operations/Finance—

Introduced by ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan-Pulliam, Oaks, Pena-Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance - ~~Discrimination or Rebates~~ Bona Fide Wellness**
3 **Programs - Incentives**

4 FOR the purpose of ~~altering the conditions under which it is not discrimination or a~~
5 ~~rebate for~~ authorizing an insurer, a nonprofit health service plan, a health
6 maintenance organization, or a dental plan organization to provide reasonable
7 incentives for participation in a bona fide wellness program under certain
8 circumstances; ~~providing that it is not discrimination or a rebate for a carrier to~~
9 ~~provide reasonable incentives for participation in a bona fide wellness program~~
10 ~~if the bona fide wellness program satisfies certain requirements;~~ authorizing a
11 carrier to condition an incentive for a bona fide wellness program on an
12 individual satisfying a standard that is related to a health factor under certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber / conference committee amendments.



1 circumstances; providing that a bona fide wellness program shall be construed
 2 in a certain manner if certain conditions are met; ~~providing that an incentive~~
 3 ~~may not be construed in a certain manner unless certain conditions are met;~~
 4 establishing requirements for certain alternative standards or waivers of
 5 certain standards; authorizing the use of certain language to satisfy certain
 6 requirements; authorizing the Maryland Insurance Commissioner to request a
 7 review of a bona fide wellness program; requiring the expense of the review to
 8 be paid in a certain manner; altering the conditions under which it is not
 9 discrimination or a rebate for a carrier to provide reasonable incentives for
 10 participation in a bona fide wellness program; making certain provisions
 11 applicable to health maintenance organizations; defining certain terms; altering
 12 certain definitions; and generally relating to ~~exceptions to prohibitions against~~
 13 ~~discrimination or rebates for~~ incentives for participation in bona fide wellness
 14 programs offered with health insurance.

15 BY adding to
 16 Article – Health – General
 17 Section 19–706(ttt)
 18 Annotated Code of Maryland
 19 (2005 Replacement Volume and 2008 Supplement)

20 BY adding to
 21 Article – Insurance
 22 Section 15–509
 23 Annotated Code of Maryland
 24 (2006 Replacement Volume and 2008 Supplement)

25 BY repealing and reenacting, without amendments,
 26 Article – Insurance
 27 Section 15–10A–01(a), 15–1201(a), and 27–210(a)
 28 Annotated Code of Maryland
 29 (2006 Replacement Volume and 2008 Supplement)

30 BY repealing and reenacting, with amendments,
 31 Article – Insurance
 32 Section 15–10A–01(b)(1), 15–1201(r), and 27–210(h)
 33 Annotated Code of Maryland
 34 (2006 Replacement Volume and 2008 Supplement)

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

37 **Article – Health – General**

38 19–706.

1 (IV) RECEIPT OF HEALTH CARE;

2 (V) MEDICAL HISTORY;

3 ~~(VI) GENETIC INFORMATION;~~

4 ~~(VII) (VI) EVIDENCE OF INSURABILITY; OR~~

5 ~~(VIII) (VII) DISABILITY.~~

6 **(5) "INCENTIVE" MEANS:**

7 (I) A DISCOUNT OF A PREMIUM OR CONTRIBUTION;

8 (II) A WAIVER OF ALL OR PART OF A COST-SHARING
9 MECHANISM, SUCH AS DEDUCTIBLES, COPAYMENTS, OR COINSURANCE;

10 (III) THE ABSENCE OF A SURCHARGE;

11 (IV) THE VALUE OF A BENEFIT THAT OTHERWISE WOULD
12 NOT BE PROVIDED UNDER THE POLICY OR CONTRACT; OR

13 (V) A REBATE AS PERMITTED UNDER § 27-210 OF THIS
14 ARTICLE.

15 **(B) (1) A CARRIER MAY PROVIDE REASONABLE INCENTIVES TO AN**
16 **INDIVIDUAL WHO IS AN INSURED, A SUBSCRIBER, OR A MEMBER FOR**
17 **PARTICIPATION IN A BONA FIDE WELLNESS PROGRAM OFFERED BY THE**
18 **CARRIER IF:**

19 (I) THE CARRIER DOES NOT MAKE PARTICIPATION IN THE
20 BONA FIDE WELLNESS PROGRAM A CONDITION OF COVERAGE UNDER A POLICY
21 OR CONTRACT;

22 (II) PARTICIPATION IN THE BONA FIDE WELLNESS
23 PROGRAM IS VOLUNTARY AND A PENALTY IS NOT IMPOSED ON AN INSURED,
24 SUBSCRIBER, OR MEMBER FOR NONPARTICIPATION;

25 (III) THE CARRIER DOES NOT MARKET THE BONA FIDE
26 WELLNESS PROGRAM IN A MANNER THAT REASONABLY COULD BE CONSTRUED
27 TO HAVE AS ITS PRIMARY PURPOSE THE PROVISION OF AN INCENTIVE OR
28 INDUCEMENT TO PURCHASE COVERAGE FROM THE CARRIER; AND

1 (IV) THE BONA FIDE WELLNESS PROGRAM DOES NOT
2 CONDITION AN INCENTIVE ON AN INDIVIDUAL SATISFYING A STANDARD THAT IS
3 RELATED TO A HEALTH FACTOR.

4 (2) NOTWITHSTANDING PARAGRAPH (1)(IV) OF THIS
5 SUBSECTION, A CARRIER MAY CONDITION AN INCENTIVE FOR A BONA FIDE
6 WELLNESS PROGRAM ON AN INDIVIDUAL SATISFYING A STANDARD THAT IS
7 RELATED TO A HEALTH FACTOR IF:

8 (I) 1. ALL INCENTIVES FOR PARTICIPATION IN THE
9 BONA FIDE WELLNESS PROGRAM DO NOT EXCEED 20% OF THE COST OF
10 EMPLOYEE-ONLY COVERAGE UNDER THE PLAN; OR

11 2. WHEN THE PLAN PROVIDES COVERAGE FOR A
12 SPOUSE OR DEPENDENT CHILDREN, ALL INCENTIVES FOR PARTICIPATION IN
13 THE BONA FIDE WELLNESS PROGRAM DO NOT EXCEED 20% OF THE COST OF THE
14 COVERAGE IN WHICH THE EMPLOYEE AND THE SPOUSE OR DEPENDENT
15 CHILDREN ARE ENROLLED;

16 (II) THE BONA FIDE WELLNESS PROGRAM IS REASONABLY
17 DESIGNED TO PROMOTE HEALTH OR PREVENT DISEASE, AS PROVIDED UNDER
18 SUBSECTION (C) OF THIS SECTION;

19 (III) THE BONA FIDE WELLNESS PROGRAM GIVES
20 INDIVIDUALS ELIGIBLE FOR THE BONA FIDE WELLNESS PROGRAM THE
21 OPPORTUNITY TO QUALIFY FOR THE INCENTIVE UNDER THE BONA FIDE
22 WELLNESS PROGRAM AT LEAST ONCE A YEAR;

23 (IV) THE BONA FIDE WELLNESS PROGRAM IS AVAILABLE TO
24 ALL SIMILARLY SITUATED INDIVIDUALS; AND

25 (V) INDIVIDUALS ARE PROVIDED A REASONABLE
26 ALTERNATIVE STANDARD OR A WAIVER OF THE STANDARD.

27 (C) A BONA FIDE WELLNESS PROGRAM SHALL BE CONSTRUED TO BE
28 REASONABLY DESIGNED TO PROMOTE HEALTH OR PREVENT DISEASE IF THE
29 BONA FIDE WELLNESS PROGRAM:

30 (1) HAS A REASONABLE CHANCE OF IMPROVING THE HEALTH OF
31 OR PREVENTING DISEASE IN PARTICIPATING INDIVIDUALS; ~~AND~~

32 (2) IS NOT OVERLY BURDENSOME;

1 **(3) IS NOT A SUBTERFUGE FOR DISCRIMINATING BASED ON A**
2 **HEALTH FACTOR; AND**

3 **(4) IS NOT HIGHLY SUSPECT IN THE METHOD CHOSEN TO**
4 **PROMOTE HEALTH OR PREVENT DISEASE.**

5 **(D) (1) A CARRIER SHALL PROVIDE A REASONABLE ALTERNATIVE**
6 **STANDARD, OR A WAIVER OF THE OTHERWISE APPLICABLE STANDARD, FOR**
7 **OBTAINING THE INCENTIVE FOR ANY INDIVIDUAL FOR WHOM IT IS:**

8 **(I) UNREASONABLY DIFFICULT DUE TO A MEDICAL**
9 **CONDITION TO SATISFY THE OTHERWISE APPLICABLE STANDARD; OR**

10 **(II) MEDICALLY INADVISABLE TO ATTEMPT TO SATISFY THE**
11 **OTHERWISE APPLICABLE STANDARD.**

12 **(2) A CARRIER MAY SEEK VERIFICATION, SUCH AS A STATEMENT**
13 **FROM AN INDIVIDUAL'S HEALTH CARE PROVIDER, THAT A HEALTH FACTOR**
14 **MAKES IT UNREASONABLY DIFFICULT OR MEDICALLY INADVISABLE FOR THE**
15 **INDIVIDUAL TO SATISFY OR ATTEMPT TO SATISFY THE OTHERWISE APPLICABLE**
16 **STANDARD.**

17 **(3) (I) A CARRIER SHALL DISCLOSE THE AVAILABILITY OF A**
18 **REASONABLE ALTERNATIVE STANDARD OR A WAIVER OF THE OTHERWISE**
19 **APPLICABLE STANDARD IN ALL POLICY FORMS PERTAINING TO THE BONA FIDE**
20 **WELLNESS PROGRAM.**

21 **(II) A CARRIER MAY MEET THE DISCLOSURE**
22 **REQUIREMENTS OF THIS PARAGRAPH BY USING THE FOLLOWING LANGUAGE OR**
23 **SUBSTANTIALLY SIMILAR LANGUAGE:**

24 **"IF IT IS UNREASONABLY DIFFICULT DUE TO A MEDICAL CONDITION FOR**
25 **YOU TO ACHIEVE THE STANDARDS FOR THE INCENTIVE UNDER THIS PROGRAM,**
26 **OR IF IT IS MEDICALLY INADVISABLE FOR YOU TO ATTEMPT TO ACHIEVE THE**
27 **STANDARDS FOR THE INCENTIVE UNDER THIS PROGRAM, CALL US AT (INSERT**
28 **TELEPHONE NUMBER), AND WE WILL WORK WITH YOU TO DEVELOP ANOTHER**
29 **WAY TO QUALIFY FOR THE INCENTIVE."**

30 **(E) (1) IN DETERMINING IF A CARRIER'S BONA FIDE WELLNESS**
31 **PROGRAM MEETS THE REQUIREMENTS OF THIS SECTION, THE COMMISSIONER**
32 **MAY REQUEST A REVIEW OF THE BONA FIDE WELLNESS PROGRAM BY AN**
33 **INDEPENDENT REVIEW ORGANIZATION FROM THE LIST COMPILED UNDER §**
34 **15-10A-05(B) OF THIS TITLE.**

1 **(2) THE EXPENSE OF THE REVIEW OF THE BONA FIDE WELLNESS**
 2 **PROGRAM BY AN INDEPENDENT REVIEW ORGANIZATION SHALL BE PAID BY THE**
 3 **CARRIER, IN THE MANNER PROVIDED UNDER § 15-10A-05(H) OF THIS TITLE.**

4 15-10A-01.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) (1) “Adverse decision” means:

7 **(I) a utilization review determination by a private review agent,**
 8 **a carrier, or a health care provider acting on behalf of a carrier that:**

9 **[(i)] 1. a proposed or delivered health care service covered**
 10 **under the member’s contract is or was not medically necessary, appropriate, or efficient;**
 11 **and**

12 **[(ii)] 2. may result in noncoverage of the health care service;**
 13 **OR**

14 **(II) A DENIAL BY A CARRIER OF A REQUEST BY A MEMBER**
 15 **FOR AN ALTERNATIVE STANDARD OR A WAIVER OF A STANDARD TO SATISFY THE**
 16 **REQUIREMENTS OF A BONA FIDE WELLNESS PROGRAM UNDER § 15-509 OF THIS**
 17 **TITLE.**

18 15-1201.

19 (a) In this subtitle the following words have the meanings indicated.

20 (r) “Wellness benefit” means a benefit [offered as a rider to a health benefit
 21 plan that provides coverage for a program or activity] that:

22 (1) [is designed to:

23 (i) prevent or detect disease or illness;

24 (ii) reduce or avoid poor clinical outcomes;

25 (iii) prevent complications from medical conditions; or

26 (iv) promote healthy behaviors and lifestyle choices;] INCLUDES
 27 **A BONA FIDE WELLNESS PROGRAM AS DEFINED IN § 15-509 OF THIS TITLE; and**

28 (2) complies with regulations adopted by the Commission.

1 27–210.

2 (a) Sections 27–208 and 27–209 of this subtitle may not be construed to
3 include within the definition of discrimination or rebates any of the practices set forth
4 in this section.

5 ~~(h) (1) (i) In this subsection the following words have the meanings~~
6 ~~indicated.~~

7 ~~(ii) “Bona fide wellness program” means a program that is~~
8 ~~designed to:~~

9 ~~1. PROMOTE HEALTH OR prevent or detect disease or~~
10 ~~illness;~~

11 ~~2. reduce or avoid poor clinical outcomes;~~

12 ~~3. prevent complications from medical conditions; [or]~~

13 ~~4. promote healthy behaviors and lifestyle choices; OR~~

14 ~~5. PREVENT AND CONTROL INJURY.~~

15 ~~(iii) “Carrier” means:~~

16 ~~1. an insurer;~~

17 ~~2. a nonprofit health service plan;~~

18 ~~3. a health maintenance organization; or~~

19 ~~4. a dental plan organization.~~

20 ~~(iv) “HEALTH FACTOR” MEANS, IN RELATION TO AN~~
21 ~~INDIVIDUAL, ANY OF THE FOLLOWING HEALTH STATUS RELATED FACTORS:~~

22 ~~1. HEALTH STATUS;~~

23 ~~2. MEDICAL CONDITION;~~

24 ~~3. CLAIMS EXPERIENCE;~~

25 ~~4. RECEIPT OF HEALTH CARE;~~

26 ~~5. MEDICAL HISTORY;~~

1 ~~6. GENETIC INFORMATION;~~

2 ~~7. EVIDENCE OF INSURABILITY; OR~~

3 ~~8. DISABILITY.~~

4 ~~(V) "INCENTIVE" MEANS:~~

5 ~~1. A DISCOUNT OR REBATE OF A PREMIUM OR~~
6 ~~CONTRIBUTION;~~

7 ~~2. A WAIVER OF ALL OR PART OF A COST SHARING~~
8 ~~MECHANISM, SUCH AS DEDUCTIBLES, COPAYMENTS, OR COINSURANCE;~~

9 ~~3. THE ABSENCE OF A SURCHARGE; OR~~

10 ~~4. THE VALUE OF A BENEFIT THAT WOULD~~
11 ~~OTHERWISE NOT BE PROVIDED UNDER THE POLICY OR CONTRACT.~~

12 (H) (1) IN THIS SUBSECTION, "BONA FIDE WELLNESS PROGRAM" HAS
13 THE MEANING STATED IN § 15-509 OF THIS ARTICLE.

14 (2) It is not discrimination or a rebate for a carrier to provide
15 reasonable incentives to an individual who is an insured, a subscriber, or a member for
16 participation in a bona fide wellness program offered by the carrier ~~if:~~

17 ~~(i) the carrier does not make participation in the bona fide~~
18 ~~wellness program a condition of coverage under a policy or contract;~~

19 ~~(ii) participation in the bona fide wellness program is voluntary~~
20 ~~and a penalty is not imposed on an insured, subscriber, or member for~~
21 ~~nonparticipation;~~

22 ~~[(iii) an insured, subscriber, or member is not required to achieve~~
23 ~~any specific outcome in order to receive an incentive for participation in the bona fide~~
24 ~~wellness program; and]~~

25 ~~[(iv)] (III) the carrier does not market the bona fide wellness~~
26 ~~program in a manner that reasonably could be construed to have as its primary~~
27 ~~purpose the provision of an incentive or inducement to purchase coverage from the~~
28 ~~carrier; AND~~

29 ~~(IV) 1. THE BONA FIDE WELLNESS PROGRAM DOES NOT~~
30 ~~CONDITION AN INCENTIVE ON AN INDIVIDUAL SATISFYING A STANDARD THAT IS~~
31 ~~RELATED TO A HEALTH FACTOR; OR~~

1 ~~2. A. THE BONA FIDE WELLNESS PROGRAM DOES~~
2 ~~CONDITION AN INCENTIVE ON AN INDIVIDUAL SATISFYING A STANDARD THAT IS~~
3 ~~RELATED TO A HEALTH FACTOR;~~

4 ~~B. THE USE OF THE HEALTH FACTOR IS NOT~~
5 ~~OTHERWISE PROHIBITED BY LAW; AND~~

6 ~~C. THE BONA FIDE WELLNESS PROGRAM MEETS THE~~
7 ~~REQUIREMENTS OF PARAGRAPH (3) OF THIS SUBSECTION IN ACCORDANCE~~
8 ~~WITH § 15-509 OF THIS ARTICLE.~~

9 ¶(3) Any incentive offered for participation in a bona fide wellness
10 program:

11 (i) shall be reasonably related to the bona fide wellness
12 program; and

13 (ii) may not have a value that exceeds any limit established in
14 regulations adopted by the Commissioner.‡

15 ~~(3) AS PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A~~
16 ~~BONA FIDE WELLNESS PROGRAM MAY CONDITION AN INCENTIVE ON AN~~
17 ~~INDIVIDUAL SATISFYING A STANDARD THAT IS RELATED TO A HEALTH FACTOR~~
18 ~~IF;~~

19 ~~(I) 1. ANY INCENTIVE FOR PARTICIPATION IN THE BONA~~
20 ~~FIDE WELLNESS PROGRAM, COUPLED WITH THE INCENTIVE FOR OTHER BONA~~
21 ~~FIDE WELLNESS PROGRAMS WITH RESPECT TO THE POLICY OR CONTRACT THAT~~
22 ~~REQUIRE SATISFACTION OF A STANDARD RELATED TO A HEALTH FACTOR, DOES~~
23 ~~NOT EXCEED 20% OF THE COST OF EMPLOYEE ONLY COVERAGE UNDER THE~~
24 ~~PLAN; OR~~

25 ~~2. WHEN THE PLAN PROVIDES COVERAGE FOR A~~
26 ~~SPOUSE OR DEPENDENT CHILDREN, THE INCENTIVE FOR PARTICIPATION IN~~
27 ~~THE BONA FIDE WELLNESS PROGRAM DOES NOT EXCEED 20% OF THE COST OF~~
28 ~~THE COVERAGE IN WHICH THE EMPLOYEE AND THE SPOUSE OR DEPENDENT~~
29 ~~CHILDREN ARE ENROLLED;~~

30 ~~(H) THE BONA FIDE WELLNESS PROGRAM IS REASONABLY~~
31 ~~DESIGNED TO PROMOTE HEALTH OR PREVENT DISEASE, AS PROVIDED UNDER~~
32 ~~PARAGRAPH (4) OF THIS SUBSECTION;~~

1 ~~(III) THE BONA FIDE WELLNESS PROGRAM GIVES~~
2 ~~INDIVIDUALS ELIGIBLE FOR THE BONA FIDE WELLNESS PROGRAM THE~~
3 ~~OPPORTUNITY TO QUALIFY FOR THE INCENTIVE UNDER THE BONA FIDE~~
4 ~~WELLNESS PROGRAM AT LEAST ONCE A YEAR;~~

5 ~~(IV) SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, THE~~
6 ~~BONA FIDE WELLNESS PROGRAM IS AVAILABLE TO ALL SIMILARLY SITUATED~~
7 ~~INDIVIDUALS; AND~~

8 ~~(V) THE CARRIER DISCLOSES IN ALL POLICY OR CONTRACT~~
9 ~~MATERIALS DESCRIBING THE TERMS OF THE BONA FIDE WELLNESS PROGRAM~~
10 ~~THE AVAILABILITY OF A REASONABLE ALTERNATIVE STANDARD OR THE~~
11 ~~POSSIBILITY OF A WAIVER OF THE OTHERWISE APPLICABLE STANDARD, AS~~
12 ~~PROVIDED UNDER PARAGRAPHS (5) AND (6) OF THIS SUBSECTION.~~

13 ~~(4) A BONA FIDE WELLNESS PROGRAM SHALL BE CONSTRUED TO~~
14 ~~BE REASONABLY DESIGNED TO PROMOTE HEALTH OR PREVENT DISEASE IF THE~~
15 ~~BONA FIDE WELLNESS PROGRAM:~~

16 ~~(I) HAS A REASONABLE CHANCE OF IMPROVING THE~~
17 ~~HEALTH OF OR PREVENTING DISEASE IN PARTICIPATING INDIVIDUALS; AND~~

18 ~~(II) 1. IS NOT OVERLY BURDENSOME;~~

19 ~~2. IS NOT A SUBTERFUGE FOR DISCRIMINATING~~
20 ~~BASED ON A HEALTH FACTOR; AND~~

21 ~~3. IS NOT HIGHLY SUSPECT IN THE METHOD CHOSEN~~
22 ~~TO PROMOTE HEALTH OR PREVENT DISEASE.~~

23 ~~(5) (I) AN INCENTIVE MAY NOT BE CONSTRUED TO BE~~
24 ~~AVAILABLE TO ALL SIMILARLY SITUATED INDIVIDUALS FOR A PERIOD UNLESS~~
25 ~~THE BONA FIDE WELLNESS PROGRAM ALLOWS A REASONABLE ALTERNATIVE~~
26 ~~STANDARD, OR A WAIVER OF THE OTHERWISE APPLICABLE STANDARD, FOR~~
27 ~~OBTAINING THE INCENTIVE FOR ANY INDIVIDUAL FOR WHOM, FOR THAT~~
28 ~~PERIOD, IT IS:~~

29 ~~1. UNREASONABLY DIFFICULT DUE TO A MEDICAL~~
30 ~~CONDITION TO SATISFY THE OTHERWISE APPLICABLE STANDARD; OR~~

31 ~~2. MEDICALLY INADVISABLE TO ATTEMPT TO~~
32 ~~SATISFY THE OTHERWISE APPLICABLE STANDARD.~~

1 ~~(H) A CARRIER MAY SEEK VERIFICATION, SUCH AS A~~
 2 ~~STATEMENT FROM AN INDIVIDUAL'S HEALTH CARE PROVIDER, THAT A HEALTH~~
 3 ~~FACTOR MAKES IT UNREASONABLY DIFFICULT OR MEDICALLY INADVISABLE~~
 4 ~~FOR THE INDIVIDUAL TO SATISFY OR ATTEMPT TO SATISFY THE OTHERWISE~~
 5 ~~APPLICABLE STANDARD.~~

6 ~~(6) THE FOLLOWING LANGUAGE, OR SUBSTANTIALLY SIMILAR~~
 7 ~~LANGUAGE, MAY BE USED TO SATISFY THE REQUIREMENTS OF PARAGRAPH~~
 8 ~~(3)(V) OF THIS SUBSECTION:~~

9 ~~"IF IT IS UNREASONABLY DIFFICULT DUE TO A MEDICAL CONDITION FOR~~
 10 ~~YOU TO ACHIEVE THE STANDARDS FOR THE INCENTIVE UNDER THIS PROGRAM,~~
 11 ~~OR IF IT IS MEDICALLY INADVISABLE FOR YOU TO ATTEMPT TO ACHIEVE THE~~
 12 ~~STANDARDS FOR THE INCENTIVE UNDER THIS PROGRAM, CALL US AT (INSERT~~
 13 ~~TELEPHONE NUMBER), AND WE WILL WORK WITH YOU TO DEVELOP ANOTHER~~
 14 ~~WAY TO QUALIFY FOR THE INCENTIVE."~~

15 ~~[(4)] (7)~~ The Commissioner shall adopt regulations to implement the
 16 provisions of this subsection.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 October 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.