

# SENATE BILL 57

C3

EMERGENCY BILL  
ENROLLED BILL

(0lr0030)

— Finance/Health and Government Operations —

Introduced by **Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland) and Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, and Pugh**

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.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance – Conformity with Federal Law – Mental Health Benefits –**  
3 **~~Group Health Plans and, Medical and Surgical Benefits for Mastectomies –~~**  
4 **~~Parity with Federal Law, and the Federal Patient Protection and Affordable~~**  
5 **Care Act**

6 FOR the purpose of providing that it is not discriminatory, under certain provisions of  
7 law that prohibit certain health insurance policies, contracts, or certificates  
8 from discriminating against a person with a mental illness, emotional disorder,  
9 drug abuse disorder, or alcohol abuse disorder, if the benefits for partial  
10 hospitalization and outpatient expenses under certain group ~~health plans~~  
11 contracts covering employees of one or more large employers are covered in a  
12 certain manner; providing that, under certain group ~~health plans~~ contracts  
13 covering employees of one or more large employers, certain benefits for mental

**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 illnesses, emotional disorders, drug abuse disorders, or alcohol abuse disorders  
 2 may be delivered under a managed care system only if the benefits for physical  
 3 illnesses are delivered under a managed care system; requiring certain factors  
 4 used to manage certain benefits for mental illnesses, emotional disorders, drug  
 5 abuse disorders, or alcohol abuse disorders under certain group contracts to be  
 6 comparable as written and in operation to, and applied no more stringently  
 7 than, the factors used to manage the benefits for certain physical illnesses;  
 8 requiring certain contracts to provide coverage for certain physical  
 9 complications of all stages of mastectomy in a certain manner; *providing that*  
 10 *certain provisions of law enacted after a certain date do not apply to certain*  
 11 *group health plans and certain health insurance coverage under certain*  
 12 *circumstances; providing for a certain exception; providing that certain*  
 13 *provisions of federal law apply to certain insurers, nonprofit health service plans,*  
 14 *and health maintenance organizations; authorizing the Maryland Insurance*  
 15 *Commissioner to enforce certain provisions of law; making certain provisions of*  
 16 *this Act applicable to health maintenance organizations;* defining certain terms;  
 17 altering a certain definition; making conforming and technical changes; making  
 18 this Act an emergency measure; *providing for the termination of certain*  
 19 *provisions of this Act;* and generally relating to health insurance ~~and mental~~  
 20 ~~health benefits.~~

21 BY repealing and reenacting, with amendments,  
 22 Article – Health – General  
 23 Section 19–703.1  
 24 Annotated Code of Maryland  
 25 (2009 Replacement Volume)

26 *BY adding to*  
 27 *Article – Health – General*  
 28 *Section 19–706(cccc) and (dddd)*  
 29 *Annotated Code of Maryland*  
 30 *(2009 Replacement Volume)*

31 *BY adding to*  
 32 *Article – Insurance*  
 33 *Section 15–134 and 15–135*  
 34 *Annotated Code of Maryland*  
 35 *(2006 Replacement Volume and 2009 Supplement)*

36 BY repealing and reenacting, with amendments,  
 37 Article – Insurance  
 38 Section 15–802 and 15–815  
 39 Annotated Code of Maryland  
 40 (2006 Replacement Volume and 2009 Supplement)

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

1 **Article – Health – General**

2 19–703.1.

3 (a) (1) In this section the following terms have the meanings indicated.

4 (2) “Alcohol abuse” has the meaning stated in § 8–101 of this article.

5 (3) “Drug abuse” has the meaning stated in § 8–101 of this article.

6 ~~(4) “GROUP HEALTH PLAN” MEANS AN EMPLOYER SPONSORED~~  
 7 ~~HEALTH BENEFIT PLAN SUBJECT TO THE PROVISIONS OF 29 U.S.C. § 1185A OR~~  
 8 ~~26 U.S.C. § 9812.~~

9 ~~(5) (4)~~ **“HEALTH BENEFIT PLAN” HAS THE MEANING STATED IN**  
 10 **§ 15–1401 OF THE INSURANCE ARTICLE.**

11 **(5) “LARGE EMPLOYER” MEANS AN EMPLOYER THAT HAS MORE**  
 12 **THAN 50 EMPLOYEES AND IS NOT A SMALL EMPLOYER.**

13 ~~[(4) (6)~~ “Managed care system” means a method that a carrier uses  
 14 to review and preauthorize a treatment plan that a health care practitioner develops  
 15 for a covered person using a variety of cost containment methods to control utilization,  
 16 quality, and claims.

17 ~~[(5) (7)~~ “Partial hospitalization” means the provision of medically  
 18 directed intensive or intermediate short-term treatment for mental illness, emotional  
 19 disorders, drug abuse or alcohol abuse for a period of less than 24 hours but more than  
 20 4 hours in a day for a member or subscriber in a licensed or certified facility or  
 21 program.

22 **(8) “SMALL EMPLOYER” HAS THE MEANING STATED IN § 15–1201**  
 23 **OF THE INSURANCE ARTICLE.**

24 (b) (1) Subject to the provisions of this section, each contract or certificate  
 25 issued to a member or subscriber by a health maintenance organization that provides  
 26 health benefits and services for diseases may not discriminate against any person with  
 27 a mental illness, emotional disorder or a drug abuse or alcohol abuse disorder by  
 28 failing to provide benefits for treatment and diagnosis of these illnesses under the  
 29 same terms and conditions as provided for covered benefits offered under the contract  
 30 or certificate for the treatment of physical illness.

31 (2) It shall not be considered to be discriminatory under paragraph (1)  
 32 of this subsection if at least the following benefits are provided:

1 (i) With respect to inpatient benefits provided in a licensed or  
 2 certified facility, which shall include hospital inpatient benefits, the total number of  
 3 days for which benefits are payable shall be[:

4 1. Except as provided in subsection (d) of this section,  
 5 from July 1, 1994 through June 30, 1995, at least 60 days in any calendar year or  
 6 benefit period of not more than 12 months under the same terms and conditions that  
 7 apply to benefits available under the contract or certificate for physical illness; and

8 2. On or after July 1, 1995,] at least equal to the same  
 9 terms and conditions that apply to the benefits available under the contract or  
 10 certificate for physical illness;

11 (ii) [Subject] **EXCEPT AS PROVIDED IN ITEM (III) OF THIS**  
 12 **PARAGRAPH AND SUBJECT** to subsection [(f)] (E) of this section, with respect to  
 13 benefits for partial hospitalization, at least 60 days of partial hospitalization shall be  
 14 covered under the same terms and conditions that apply to the benefit available under  
 15 the contract or certificate for physical illness; [and]

16 ~~(III) FOR GROUP HEALTH PLANS, WITH RESPECT TO~~  
 17 ~~BENEFITS FOR PARTIAL HOSPITALIZATION, THE BENEFITS SHALL BE COVERED~~  
 18 ~~UNDER THE SAME TERMS AND CONDITIONS THAT APPLY TO THE BENEFITS~~  
 19 ~~AVAILABLE UNDER THE CONTRACT FOR OUTPATIENT HOSPITAL ADMISSIONS~~  
 20 ~~FOR PHYSICAL ILLNESS FOR AT LEAST 60 DAYS;~~

21 (III) FOR GROUP CONTRACTS COVERING EMPLOYEES OF  
 22 ONE OR MORE LARGE EMPLOYERS, WITH RESPECT TO BENEFITS FOR PARTIAL  
 23 HOSPITALIZATION FOR THE TREATMENT OF MENTAL ILLNESS, EMOTIONAL  
 24 DISORDERS, DRUG ABUSE, AND ALCOHOL ABUSE, THE GREATER OF:

25 1. THE SAME BENEFITS PAYABLE UNDER THE  
 26 CONTRACT FOR PARTIAL HOSPITALIZATION FOR PHYSICAL ILLNESS; OR

27 2. AT LEAST 60 DAYS OF PARTIAL HOSPITALIZATION  
 28 COVERED UNDER THE SAME TERMS AND CONDITIONS THAT APPLY TO  
 29 OUTPATIENT TREATMENT OF PHYSICAL ILLNESSES;

30 [(iii)] (IV) [With] **EXCEPT AS PROVIDED IN ITEM (V) OF THIS**  
 31 **PARAGRAPH, WITH** respect to outpatient coverage, other than for inpatient or partial  
 32 hospitalization services, benefits for covered expenses arising from services, including  
 33 psychological and neuropsychological testing for diagnostic purposes, [which] **THAT**  
 34 are rendered to treat mental illness, emotional disorders, drug abuse, and alcohol  
 35 abuse shall be at a rate [which] **THAT** is, after the applicable deductible, not less than:

1                   1.     80 percent for the first 5 visits in any calendar year or  
2 benefit period of not more than 12 months;

3                   2.     65 percent for the 6th through 30th visit in any  
4 calendar year or benefit period of not more than 12 months; and

5                   3.     50 percent for the 31st visit and any visit after the  
6 31st visit in any calendar year or benefit period of not more than 12 months; AND

7                   **(V) FOR GROUP ~~HEALTH PLANS~~ CONTRACTS COVERING**  
8 **EMPLOYEES OF ONE OR MORE LARGE EMPLOYERS, BENEFITS FOR COVERED**  
9 **OUTPATIENT EXPENSES ARISING FROM SERVICES, INCLUDING ALL OFFICE**  
10 **VISITS AND PSYCHOLOGICAL AND NEUROPSYCHOLOGICAL TESTING FOR**  
11 **DIAGNOSTIC PURPOSES, THAT ARE RENDERED TO TREAT MENTAL ILLNESS,**  
12 **EMOTIONAL DISORDERS, DRUG ABUSE, AND ALCOHOL ABUSE SHALL BE**  
13 **COVERED UNDER THE SAME TERMS AND CONDITIONS THAT APPLY TO SIMILAR**  
14 **BENEFITS AVAILABLE UNDER THE CONTRACT FOR PHYSICAL ILLNESS.**

15           (c)     (1)     The benefits under this section shall be required only for expenses  
16 arising for treatment of mental illnesses, emotional disorders, drug abuse, and alcohol  
17 abuse [which] THAT in the professional judgment of practitioners is medically  
18 necessary and treatable.

19                   (2)     The benefits required under this section shall be provided as one  
20 set of benefits covering mental illnesses, emotional disorders, drug abuse, and alcohol  
21 abuse.

22                   (3)     [The] **SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE**  
23 benefits required under this section may be delivered under a managed care system.

24                   **(4) FOR GROUP ~~HEALTH PLANS~~ CONTRACTS COVERING**  
25 **EMPLOYEES OF ONE OR MORE LARGE EMPLOYERS, THE BENEFITS REQUIRED**  
26 **UNDER THIS SECTION MAY BE DELIVERED UNDER A MANAGED CARE SYSTEM**  
27 **ONLY IF THE BENEFITS FOR PHYSICAL ILLNESSES COVERED UNDER THE**  
28 **CONTRACT ARE DELIVERED UNDER A MANAGED CARE SYSTEM.**

29                   **(5) FOR GROUP CONTRACTS COVERING EMPLOYEES OF ONE OR**  
30 **MORE LARGE EMPLOYERS, THE PROCESSES, STRATEGIES, EVIDENTIARY**  
31 **STANDARDS, OR OTHER FACTORS USED TO MANAGE THE BENEFITS REQUIRED**  
32 **UNDER THIS SECTION MUST BE COMPARABLE AS WRITTEN AND IN OPERATION**  
33 **TO, AND APPLIED NO MORE STRINGENTLY THAN, THE PROCESSES, STRATEGIES,**  
34 **EVIDENTIARY STANDARDS, OR OTHER FACTORS USED TO MANAGE THE**  
35 **BENEFITS FOR PHYSICAL ILLNESSES COVERED UNDER THE CONTRACT.**

1            ~~[(4) (5) (6)]~~ Except as specifically provided in this section, benefits for  
2 illnesses covered by this section and the benefits for physical illnesses covered under a  
3 contract or certificate shall have the same terms and conditions.

4            ~~[(5) (6) (7)]~~ Except for the coinsurance provisions in subsection  
5 ~~[(b)(2)(iii)] (B)(2)(IV)~~ of this section, a contract or certificate that is subject to this  
6 section may not have:

7                    (i) Separate lifetime maximums for physical illnesses and  
8 illnesses covered under this section;

9                    (ii) Separate deductibles and coinsurance amounts for physical  
10 illnesses and illnesses covered under this section; or

11                    (iii) Separate out-of-pocket limits in a benefit period of not more  
12 than 12 months for physical illnesses and illnesses covered under this section.

13            ~~[(6) (7) (8)]~~ (i) Subject to subparagraph (ii) of this paragraph, any  
14 copayments required under a contract or certificate for benefits for illnesses covered  
15 under this section shall be:

16                            1. Actuarially equivalent to any coinsurance  
17 requirements under this section; or

18                            2. Where there are no coinsurance requirements, not  
19 greater than a copayment required for a benefit under the contract or a certificate for  
20 a physical illness.

21                    (ii) A health maintenance organization may not charge a  
22 copayment that is greater than 50% of the daily cost for methadone maintenance  
23 treatment.

24            (d) [Notwithstanding the provisions of subsection (b)(2)(i)1 of this section,  
25 until July 1, 1995, a contract or certificate that is subject to this section that offers less  
26 than 60 days coverage for inpatient care for health care for physical illness must only  
27 include coverage for mental illness, emotional disorders, drug abuse, and alcohol abuse  
28 that is at least equal to the benefit offered for those other types of health care. On and  
29 after July 1, 1995, the provisions of subsection (b)(2)(i)2 of this section shall apply.

30            (e) An office visit to a physician or other health care provider for the purpose  
31 of medication management may not be counted against the number of visits required  
32 to be covered as a part of the benefits required under subsection ~~[(b)(2)(iii)] (B)(2)(IV)~~  
33 of this section and shall be reimbursed under the same terms and conditions as an  
34 office visit for physical illnesses covered under the contract or certificate.

1           **[(f)] (E)**       Nothing in this section shall be construed to prohibit exceeding the  
 2 minimum benefits required under subsection (b)(2)(ii) **OR (III)** of this section for any  
 3 partial hospitalization day that is medically necessary and would serve to prevent  
 4 inpatient hospitalization.

5       19-706.

6           **(CCCC)       THE PROVISIONS OF § 15-134 OF THE INSURANCE ARTICLE**  
 7 **APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.**

8                                       Article – Insurance

9       15-134.

10          **(A)   IN THIS SECTION, “GRANDFATHERED HEALTH PLAN” HAS THE**  
 11 **MEANING STATED IN THE FEDERAL PATIENT PROTECTION AND AFFORDABLE**  
 12 **CARE ACT, AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION**  
 13 **RECONCILIATION ACT OF 2010.**

14          **(B)   EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**  
 15 **PROVISION OF THIS TITLE OR TITLE 14 OF THIS ARTICLE ENACTED AFTER**  
 16 **JANUARY 1, 2010, MAY NOT APPLY TO A GROUP HEALTH PLAN THAT IS A**  
 17 **GRANDFATHERED HEALTH PLAN OR HEALTH INSURANCE COVERAGE THAT IS A**  
 18 **GRANDFATHERED HEALTH PLAN IF THE PROVISION WOULD PREVENT THE**  
 19 **GROUP HEALTH PLAN OR HEALTH INSURANCE COVERAGE FROM BEING**  
 20 **CONSIDERED A GRANDFATHERED HEALTH PLAN.**

21          **(C)   SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO ANY**  
 22 **PROVISION OF THIS TITLE OR TITLE 14 OF THIS ARTICLE ENACTED AFTER**  
 23 **JANUARY 1, 2010, TO ENFORCE A PROVISION OF FEDERAL LAW THAT WAS**  
 24 **ENACTED ON OR BEFORE JANUARY 1, 2010.**

25       15-802.

26           (a)   (1)    In this section the following words have the meanings indicated.

27                   (2)    “Alcohol abuse” has the meaning stated in § 8-101 of the Health –  
 28 General Article.

29                   (3)    “Drug abuse” has the meaning stated in § 8-101 of the Health –  
 30 General Article.

31                   **(4)   “GROUP HEALTH PLAN” MEANS AN EMPLOYER SPONSORED**  
 32 **HEALTH BENEFIT PLAN SUBJECT TO THE PROVISIONS OF 29 U.S.C. § 1185A OR**  
 33 **26 U.S.C. § 9812.**

1           ~~(5)~~ (4)       **“HEALTH BENEFIT PLAN” HAS THE MEANING STATED IN**  
2 **§ 15–1401 OF THIS TITLE.**

3           (5)   **“LARGE EMPLOYER” MEANS AN EMPLOYER THAT HAS MORE**  
4 **THAN 50 EMPLOYEES AND IS NOT A SMALL EMPLOYER.**

5           [(4)] (6)       “Managed care system” means a system of cost containment  
6 methods that a carrier uses to review and preauthorize a treatment plan developed by  
7 a health care provider for a covered individual in order to control utilization, quality,  
8 and claims.

9           [(5)] (7)       “Partial hospitalization” means the provision of medically  
10 directed intensive or intermediate short–term treatment:

- 11                       (i)     to an insured, subscriber, or member;
- 12                       (ii)    in a licensed or certified facility or program;
- 13                       (iii)  for mental illness, emotional disorders, drug abuse, or  
14 alcohol abuse; and
- 15                       (iv)   for a period of less than 24 hours but more than 4 hours in a  
16 day.

17           (8)   **“SMALL EMPLOYER” HAS THE MEANING STATED IN § 15–1201**  
18 **OF THIS TITLE.**

19           (b)   This section applies to each health insurance policy or contract that is  
20 delivered or issued for delivery in the State to an employer or individual on a group or  
21 individual basis and that provides coverage on an expense–incurred basis.

22           (c)   A policy or contract subject to this section may not discriminate against  
23 an individual with a mental illness, emotional disorder, drug abuse disorder, or alcohol  
24 abuse disorder by failing to provide benefits for the diagnosis and treatment of these  
25 illnesses under the same terms and conditions that apply under the policy or contract  
26 for the diagnosis and treatment of physical illnesses.

27           (d)   It is not discriminatory under subsection (c) of this section if at least the  
28 following benefits are provided:

- 29                       (1)     with respect to inpatient benefits for services provided in a licensed  
30 or certified facility, including hospital inpatient benefits, the total number of days for  
31 which benefits are payable and the terms and conditions that apply to those benefits  
32 are at least equal to those that apply to the benefits available under the policy or  
33 contract for physical illnesses;



1           (2)    **EXCEPT AS PROVIDED IN ITEM (3) OF THIS SUBSECTION AND**  
 2 subject to subsection (g) of this section, with respect to benefits for partial  
 3 hospitalization, at least 60 days of partial hospitalization are covered under the same  
 4 terms and conditions that apply to the benefits available under the policy or contract  
 5 for physical illnesses; [and]

6           ~~(3)    **FOR GROUP HEALTH PLANS, WITH RESPECT TO BENEFITS FOR**~~  
 7 ~~**PARTIAL HOSPITALIZATION, THE BENEFITS ARE COVERED UNDER THE SAME**~~  
 8 ~~**TERMS AND CONDITIONS THAT APPLY TO THE BENEFITS AVAILABLE UNDER THE**~~  
 9 ~~**CONTRACT FOR OUTPATIENT HOSPITAL ADMISSIONS FOR PHYSICAL ILLNESS**~~  
 10 ~~**FOR AT LEAST 60 DAYS;**~~

11           **(3)    FOR GROUP CONTRACTS COVERING EMPLOYEES OF ONE OR**  
 12 **MORE LARGE EMPLOYERS, WITH RESPECT TO BENEFITS FOR PARTIAL**  
 13 **HOSPITALIZATION FOR THE TREATMENT OF MENTAL ILLNESS, EMOTIONAL**  
 14 **DISORDERS, DRUG ABUSE, AND ALCOHOL ABUSE, THE GREATER OF:**

15                   **(I)    THE SAME BENEFITS PAYABLE UNDER THE CONTRACT**  
 16 **FOR PARTIAL HOSPITALIZATION FOR PHYSICAL ILLNESS; OR**

17                   **(II)   AT LEAST 60 DAYS OF PARTIAL HOSPITALIZATION**  
 18 **COVERED UNDER THE SAME TERMS AND CONDITIONS THAT APPLY TO**  
 19 **OUTPATIENT TREATMENT OF PHYSICAL ILLNESSES;**

20           **[(3)] (4)    EXCEPT AS PROVIDED IN ITEM (5) OF THIS SUBSECTION,**  
 21 with respect to outpatient coverage, other than for inpatient or partial hospitalization  
 22 services, benefits for covered expenses arising from services, including psychological  
 23 and neuropsychological testing for diagnostic purposes, provided to treat mental  
 24 illnesses, emotional disorders, drug abuse, or alcohol abuse are at a rate that, after the  
 25 applicable deductible, is not less than:

26                   (i)    80% for the first five visits in a calendar year or benefit  
 27 period of not more than 12 months;

28                   (ii)   65% for the 6th through 30th visit in a calendar year or  
 29 benefit period of not more than 12 months; and

30                   (iii)  50% for the 31st visit and any subsequent visit in a calendar  
 31 year or benefit period of not more than 12 months; **AND**

32           **(5)    FOR GROUP ~~HEALTH PLANS~~ CONTRACTS COVERING**  
 33 **EMPLOYEES OF ONE OR MORE LARGE EMPLOYERS, BENEFITS FOR COVERED**  
 34 **OUTPATIENT EXPENSES ARISING FROM SERVICES, INCLUDING ALL OFFICE**  
 35 **VISITS AND PSYCHOLOGICAL AND NEUROPSYCHOLOGICAL TESTING FOR**

1 **DIAGNOSTIC PURPOSES, PROVIDED TO TREAT MENTAL ILLNESSES, EMOTIONAL**  
 2 **DISORDERS, DRUG ABUSE, OR ALCOHOL ABUSE ARE COVERED UNDER THE SAME**  
 3 **TERMS AND CONDITIONS THAT APPLY TO SIMILAR BENEFITS AVAILABLE UNDER**  
 4 **THE CONTRACT FOR PHYSICAL ILLNESSES.**

5 (e) (1) The benefits under this section are required only for expenses  
 6 arising from the treatment of mental illnesses, emotional disorders, drug abuse, or  
 7 alcohol abuse if, in the professional judgment of health care providers:

8 (i) the mental illness, emotional disorder, drug abuse, or  
 9 alcohol abuse is treatable; and

10 (ii) the treatment is medically necessary.

11 (2) The benefits required under this section:

12 (i) shall be provided as one set of benefits covering mental  
 13 illnesses, emotional disorders, drug abuse, and alcohol abuse;

14 (ii) shall have the same terms and conditions as the benefits for  
 15 physical illnesses covered under the policy or contract subject to this section, except as  
 16 specifically provided in this section; and

17 (iii) **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION**, may  
 18 be delivered under a managed care system.

19 **(3) FOR GROUP ~~HEALTH PLANS~~ CONTRACTS COVERING**  
 20 **EMPLOYEES OF ONE OR MORE LARGE EMPLOYERS, THE BENEFITS REQUIRED**  
 21 **UNDER THIS SECTION MAY BE DELIVERED UNDER A MANAGED CARE SYSTEM**  
 22 **ONLY IF THE BENEFITS FOR PHYSICAL ILLNESSES COVERED UNDER THE**  
 23 **CONTRACT ARE DELIVERED UNDER A MANAGED CARE SYSTEM.**

24 **(4) FOR GROUP CONTRACTS COVERING EMPLOYEES OF ONE OR**  
 25 **MORE LARGE EMPLOYERS, THE PROCESSES, STRATEGIES, EVIDENTIARY**  
 26 **STANDARDS, OR OTHER FACTORS USED TO MANAGE THE BENEFITS REQUIRED**  
 27 **UNDER THIS SECTION MUST BE COMPARABLE AS WRITTEN AND IN OPERATION**  
 28 **TO, AND APPLIED NO MORE STRINGENTLY THAN, THE PROCESSES, STRATEGIES,**  
 29 **EVIDENTIARY STANDARDS, OR OTHER FACTORS USED TO MANAGE THE**  
 30 **BENEFITS FOR PHYSICAL ILLNESSES COVERED UNDER THE CONTRACT.**

31 **[(3)] ~~(4)~~ (5)** Except for the coinsurance requirements under subsection  
 32 **[(d)(3)] (D)(4)** of this section, a policy or contract subject to this section may not have:

33 (i) separate lifetime maximums for physical illnesses and  
 34 illnesses covered under this section;

1 (ii) separate deductibles and coinsurance amounts for physical  
2 illnesses and illnesses covered under this section; or

3 (iii) separate out-of-pocket limits in a benefit period of not more  
4 than 12 months for physical illnesses and illnesses covered under this section.

5 ~~[(4)]~~ ~~(5)~~ **(6)** (i) Subject to subparagraph (ii) of this paragraph, any  
6 copayments required under a policy or contract subject to this section for benefits for  
7 illnesses covered under this section shall be:

8 1. actuarially equivalent to any coinsurance  
9 requirements under this section; or

10 2. if there are no coinsurance requirements, not greater  
11 than any copayment required under the policy or contract for a benefit for a physical  
12 illness.

13 (ii) An insurer or nonprofit health service plan may not charge a  
14 copayment that is greater than 50% of the daily cost for methadone maintenance  
15 treatment.

16 (f) An office visit to a physician or other health care provider for medication  
17 management:

18 (1) may not be counted against the number of visits required to be  
19 covered as a part of the benefits required under subsection ~~[(d)(3)]~~ **(D)(4)** of this  
20 section; and

21 (2) shall be reimbursed under the same terms and conditions as an  
22 office visit for a physical illness covered under the policy or contract subject to this  
23 section.

24 (g) This section does not prohibit exceeding the minimum benefits required  
25 under subsection (d)(2) **OR (3)** of this section for any partial hospitalization day that is  
26 medically necessary and would serve to prevent inpatient hospitalization.

27 15-815.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) “Mastectomy” means the surgical removal of all or part of a breast  
30 [as a result of breast cancer].

31 (3) (i) “Reconstructive breast surgery” means surgery performed as  
32 a result of a mastectomy to reestablish symmetry between the two breasts.

1                   (ii) “Reconstructive breast surgery” includes augmentation  
 2 mammoplasty, reduction mammoplasty, and mastopexy.

3           (b) This section applies to CONTRACTS ISSUED BY:

4                   (1) insurers and nonprofit health service plans that provide [hospital,  
 5 medical, or] MEDICAL AND surgical benefits to individuals or groups on an  
 6 expense-incurred basis under health insurance [policies] CONTRACTS that are issued  
 7 or delivered in the State; and

8                   (2) health maintenance organizations that provide [hospital, medical,  
 9 or] MEDICAL AND surgical benefits to individuals or groups under contracts that are  
 10 issued or delivered in the State.

11           (c) [An entity] A CONTRACT subject to this section shall provide coverage  
 12 for:

13                   (1) reconstructive breast surgery, including coverage for all stages of  
 14 reconstructive breast surgery performed on a nondiseased breast to establish  
 15 symmetry with the diseased breast when reconstructive breast surgery is performed  
 16 on the diseased breast; AND

17                   (2) PHYSICAL COMPLICATIONS OF ALL STAGES OF MASTECTOMY,  
 18 INCLUDING LYMPHEDEMAS, IN A MANNER DETERMINED IN CONSULTATION  
 19 WITH THE ATTENDING PHYSICIAN AND THE PATIENT.

20                   SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 21 read as follows:

22   *Article – Health – General*

23                   *19-706.*

24                   *(DDDD) THE PROVISIONS OF § 15-135 OF THE INSURANCE ARTICLE*  
 25 *APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.*

26   *Article – Insurance*

27                   *15-135.*

28                   *(A) THE PROVISIONS OF TITLE I, SUBTITLES A AND C OF THE FEDERAL*  
 29 *PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY §§ 10101*  
 30 *AND 10103 OF THAT ACT AND THE FEDERAL HEALTH CARE AND EDUCATION*  
 31 *RECONCILIATION ACT OF 2010, APPLY TO ALL INSURERS, NONPROFIT HEALTH*

1 SERVICE PLANS, AND HEALTH MAINTENANCE ORGANIZATIONS THAT DELIVER OR  
2 ISSUE FOR DELIVERY INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE  
3 POLICIES OR CONTRACTS IN THE STATE.

4 (B) THE COMMISSIONER MAY ENFORCE THIS SECTION UNDER ANY  
5 APPLICABLE PROVISIONS OF THIS ARTICLE.

6 SECTION ~~2~~ 3 AND BE IT FURTHER ENACTED, That this Act is an  
7 emergency measure, is necessary for the immediate preservation of the public health  
8 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
9 members elected to each of the two Houses of the General Assembly, and shall take  
10 effect from the date it is enacted. Section 2 of this Act shall remain effective through  
11 June 30, 2011, and, at the end of June 30, 2011, with no further action required by the  
12 General Assembly, Section 2 of this Act shall be abrogated and of no further force and  
13 effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

\_\_\_\_\_  
Speaker of the House of Delegates.