

SB0456/837474/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 456
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “at” in line 7 down through “time” in line 14 and substitute “in accordance with certain provisions of law and certain regulations applicable to certain carriers”; in line 16, after “factors” insert “in a certain manner”; in line 19, after “inspection;” insert “authorizing a carrier to request a certain finding by the Commissioner;”; and in line 22, after “not” insert “inadequate, unfairly discriminatory, or”.

On page 2, in line 12, after “14-126(a)” insert “and (b)(3)”.

AMENDMENT NO. 2

On page 5, in line 13, strike “(I)”.

On pages 5 and 6, strike beginning with “AT” in line 15 on page 5 down through “(3)” in line 3 on page 6 and substitute “:

(I) FOR INSURERS, IN ACCORDANCE WITH § 12-203 OF THIS ARTICLE AND REGULATIONS ADOPTED UNDER TITLE 31, SUBTITLE 10 OF THE CODE OF MARYLAND REGULATIONS;

(II) FOR NONPROFIT HEALTH SERVICE PLANS, IN ACCORDANCE WITH § 14-126 OF THIS ARTICLE; AND

(III) FOR HEALTH MAINTENANCE ORGANIZATIONS, IN ACCORDANCE WITH § 19-713 OF THE HEALTH - GENERAL ARTICLE AND

(Over)

REGULATIONS ADOPTED UNDER TITLE 31, SUBTITLE 12 OF THE CODE OF MARYLAND REGULATIONS.

(2)”.

On page 6, in line 6, before “EXCESSIVE” insert “INADEQUATE, UNFAIRLY DISCRIMINATORY, OR”; in line 9, after “CONSIDER” insert “, TO THE EXTENT APPROPRIATE”; strike beginning with the comma in line 12 down through “APPROPRIATE” in line 13; in line 19, strike “(4)” and substitute “(3)”; after line 21, insert:

“(II) A CARRIER MAY REQUEST A FINDING BY THE COMMISSIONER THAT CERTAIN INFORMATION FILED WITH THE COMMISSIONER BE CONSIDERED CONFIDENTIAL COMMERCIAL INFORMATION UNDER § 10-617 (D) OF THE STATE GOVERNMENT ARTICLE AND NOT SUBJECT TO PUBLIC INSPECTION.”;

in line 22, strike “(II)” and substitute “(III)”; in line 29, strike “(C)(3)” and substitute “(C)(2)”; and in line 30, after “NOT” insert “INADEQUATE, UNFAIRLY DISCRIMINATORY, OR”.

On page 7, strike beginning with “ESTABLISHED” in line 1 down through “SECTION” in line 2; in line 4, after “ARE” insert “INADEQUATE, UNFAIRLY DISCRIMINATORY, OR”; in lines 4 and 8, in each instance, strike“(C)(3)” and substitute “(C)(2)”; and in line 8, strike “WAS NOT APPROVED” and substitute “IS INADEQUATE, UNFAIRLY DISCRIMINATORY, OR EXCESSIVE IN RELATION TO BENEFITS”.

On page 8, after line 10, insert:

“(b) (3) (i) The Commissioner shall disapprove or modify the proposed change if:

1. the table of rates appears by statistical analysis and reasonable assumptions to be INADEQUATE, UNFAIRLY DISCRIMINATORY, OR excessive in relation to benefits; or

2. the form contains provisions that are unjust, unfair, inequitable, inadequate, misleading, or deceptive or encourage misrepresentations of the coverage.

(ii) In determining whether to disapprove or modify the form or table of rates, the Commissioner shall consider, TO THE EXTENT APPROPRIATE:

1. past and prospective loss experience within and outside the State;

2. underwriting practice and judgment [to the extent appropriate];

3. a reasonable margin for reserve needs;

4. past and prospective expenses, both countrywide and those specifically applicable to the State; and

5. any other relevant factors within and outside the State.”;

and in line 28, after the comma, insert “That this Act shall apply to all health benefit plan rate filings received by the Maryland Insurance Commissioner on or after the effective date of this Act.

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SECTION 3. AND BE IT FURTHER ENACTED,”.