

# SENATE BILL 410

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By: **Senators Beidle, Augustine, Elfreth, Feldman, Hayes, Kelley, Klausmeier, Kramer, Reilly, and Washington**

Introduced and read first time: February 1, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Coverage for Insulin – Prohibition on Deductible,**  
3 **Copayment, and Coinsurance**

4 FOR the purpose of prohibiting, except under certain circumstances, certain insurers,  
5 nonprofit health service plans, and health maintenance organizations from imposing  
6 a deductible, copayment, or coinsurance requirement on insulin; providing for the  
7 application of this Act; providing for a delayed effective date; and generally relating  
8 to coverage of insulin under health insurance.

9 BY repealing and reenacting, with amendments,  
10 Article – Insurance  
11 Section 15–822  
12 Annotated Code of Maryland  
13 (2017 Replacement Volume and 2018 Supplement)

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

16 **Article – Insurance**

17 15–822.

18 (a) This section applies to:

19 (1) insurers and nonprofit health service plans that provide hospital,  
20 medical, or surgical benefits to individuals or groups on an expense–incurred basis under  
21 health insurance policies that are issued or delivered in the State; and

22 (2) health maintenance organizations that provide hospital, medical, or  
23 surgical benefits to individuals or groups under contracts that are issued or delivered in

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the State.

2 (b) An entity subject to this section shall provide coverage for all medically  
3 appropriate and necessary diabetes equipment, diabetes supplies, and diabetes outpatient  
4 self-management training and educational services, including medical nutrition therapy,  
5 that the insured's or enrollee's treating physician or other appropriately licensed health  
6 care provider, or a physician who specializes in the treatment of diabetes, certifies are  
7 necessary for the treatment of:

8 (1) insulin-using diabetes;

9 (2) noninsulin-using diabetes;

10 (3) elevated or impaired blood glucose levels induced by pregnancy; or

11 (4) consistent with the American Diabetes Association's standards,  
12 elevated or impaired blood glucose levels induced by prediabetes.

13 (c) If certified as necessary under subsection (b) of this section, the diabetes  
14 outpatient self-management training and educational services, including medical nutrition  
15 therapy, to be provided to the insured or enrollee shall be provided through a program  
16 supervised by an appropriately licensed, registered, or certified health care provider whose  
17 scope of practice includes diabetes education or management.

18 (d) (1) Subject to paragraph (2) of this subsection, and except as provided in  
19 paragraph (3) of this subsection, the coverage required under this section may be subject to  
20 the annual deductibles or coinsurance requirements imposed by an entity subject to this  
21 section for similar coverages under the same health insurance policy or contract.

22 (2) Except as provided in paragraph (3) of this subsection, the annual  
23 deductibles or coinsurance requirements imposed under paragraph (1) of this subsection  
24 for the coverage required under this section may not be greater than the annual deductibles  
25 or coinsurance requirements imposed by the entity for similar coverages.

26 (3) (i) Except as provided in subparagraph (ii) of this paragraph, an  
27 entity subject to this section may not impose a deductible, copayment, or coinsurance  
28 requirement on diabetes test strips **OR INSULIN**.

29 (ii) If an insured or enrollee is covered under a high-deductible  
30 health plan, as defined in 26 U.S.C. § 223, an entity subject to this section may subject  
31 diabetes test strips **OR INSULIN** to the deductible requirement of the high-deductible  
32 health plan.

33 (e) An entity subject to this section may not reduce or eliminate coverages in its  
34 health insurance policies or contracts due to the requirements of this section.

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all

1 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
2 after January 1, 2020.

3           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 January 1, 2020.