

SENATE BILL 940

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CF 5lr2591

By: **Senator Hayes**

Introduced and read first time: January 28, 2025

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance and Family Planning Services – Consumer Protections –**
3 **Updates**

4 FOR the purpose of updating references to federal law related to family planning services,
5 grandfathered plans, explanation of benefits, summaries of benefits and coverage,
6 medical loss ratios, catastrophic plans, annual limits for cost sharing, prescription
7 drugs, and rescissions; updating references related to funding for the Family
8 Planning Program and access to family planning services under the Maryland
9 Medical Assistance Program; altering the definition of “family planning providers”
10 to include providers that lost certain federal funding for certain reasons; providing
11 that the Maryland Insurance Commissioner and the Commission on Civil Rights
12 have concurrent jurisdiction to enforce certain provisions of law related to
13 discrimination in health insurance; authorizing the Commissioner to adopt
14 regulations necessary to carry out certain provisions of law related to discrimination
15 in health insurance; and generally relating to health insurance, family planning
16 services, and consumer protections.

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 13–3401, 13–3402, and 15–102.1(b)(6)
20 Annotated Code of Maryland
21 (2023 Replacement Volume and 2024 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Health – General
24 Section 15–101(a) and (h)
25 Annotated Code of Maryland
26 (2023 Replacement Volume and 2024 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article – Insurance

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2–202(a), 15–1A–01(e), 15–1A–03(a), 15–1A–04, 15–1A–15(c), 15–1A–16(a)
2 and (e), 15–1A–18(d), 15–1A–19(c), 15–1A–20(c), 15–1A–21(c), and
3 15–1A–22(e)

4 Annotated Code of Maryland
5 (2017 Replacement Volume and 2024 Supplement)

6 BY repealing and reenacting, without amendments,

7 Article – Insurance

8 Section 15–1A–01(a)

9 Annotated Code of Maryland

10 (2017 Replacement Volume and 2024 Supplement)

11 BY adding to

12 Article – Insurance

13 Section 15–1A–22(f)

14 Annotated Code of Maryland

15 (2017 Replacement Volume and 2024 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 13–3401.

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

21 (b) “Family planning providers” means providers of services:

22 (1) Funded under Title X of the federal Public Health Service Act as of
23 December 31, [2016] **2024**; and

24 (2) That lost eligibility for Title X funding as a result of the termination of
25 federal funding for providers because of:

26 (i) The scope of services offered by the providers; [or]

27 (ii) The scope of services for which the providers offer referrals,
28 **COUNSELING, OR OTHER ACTIONS DESCRIBED IN RULES ESTABLISHED BY THE U.S.**
29 **DEPARTMENT OF HEALTH AND HUMAN SERVICES; OR**

30 **(III) THE PROVISIONS OF FUNDING OR GRANTS TO ENTITIES OF**
31 **PROVIDERS DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH.**

32 (c) “Family planning services” means services provided under Title X of the
33 federal Public Health Service Act as of December 31, [2016] **2024**.

1 (d) "Program" means the Family Planning Program established under § 13–3402
2 of this subtitle.

3 13–3402.

4 (a) There is a Family Planning Program in the Department.

5 (b) The purpose of the Program is to ensure the continuity of family planning
6 services in the State.

7 (c) The Program shall provide family planning services to individuals who are
8 eligible for family planning services through family planning providers that meet Program
9 requirements.

10 (d) The Department may adopt regulations to implement this subtitle, including
11 regulations establishing a sliding scale fee for services provided under the Program.

12 (e) Funding used to support family planning services under the Program shall be
13 in addition to any funding applied by the Department before December 31, [2016] **2024**, to
14 the maintenance of effort requirement for federal funding under Title X of the federal Public
15 Health Service Act.

16 (f) (1) The Department may not accept any federal funding under Title X of
17 the federal Public Health Service Act if the Title X program:

18 (i) Excludes family planning providers; and

19 (ii) Does not require family planning providers to provide a broad
20 range of acceptable and effective medically approved family planning methods and services.

21 (2) If the Department does not accept Title X program funds in accordance
22 with paragraph (1) of this subsection, the Governor shall fund the Program with State
23 funds at the same level of total funds provided to the Program in the immediately preceding
24 fiscal year.

25 15–101.

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

27 (h) "Program" means the Maryland Medical Assistance Program.

28 15–102.1.

29 (b) The Department shall, to the extent permitted, subject to the limitations of
30 the State budget:

(6) Ensure access to and the continuity of services provided by family planning providers that were family planning providers in the Program as of December 31, [2016] **2024**, and were discontinued as recipients of federal funding under federal law or regulation because of the scope of services offered by the provider or the scope of services for which the provider offered referrals, by:

(i) Reimbursing for the Program services provided; and

(ii) Establishing Program requirements for the family planning providers that:

1. Are similar to the requirements for other providers of the same services;

2. Do not prohibit a provider from offering a service if the service is within the scope of practice of the provider as established under the Health Occupations Article; and

3. Do not limit the scope of services for which a provider may offer referrals;

Article – Insurance

2–202.

(a) (1) Notwithstanding any other law and except as provided in paragraph (2) of this subsection, the Commissioner has exclusive jurisdiction to enforce by administrative action the laws of the State that relate to the underwriting or rate-setting practices of an insurer.

(2) The Commission on Civil Rights has concurrent jurisdiction with the Commissioner:

(I) over alleged discrimination on the basis of race, creed, color, or national origin; AND

(II) **FOR THE ENFORCEMENT OF § 15–1A–22 OF THIS ARTICLE.**

15–1A–01.

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

(e) “Grandfathered plan” means a health benefit plan that:

1 (1) meets the criteria established under 45 C.F.R. § 147.140 and any
2 corresponding federal rules and guidance as those provisions were in effect [December 1,
3 2023] **DECEMBER 31, 2024**; or

4 (2) if the Commissioner adopts regulations as described in § 15–1A–03 of
5 this subtitle, meets the criteria established by the adopted regulations.

6 15–1A–03.

7 (a) For purposes of this subtitle, to the extent necessary, the Commissioner shall
8 adopt regulations that:

9 (1) establish criteria that a health benefit plan must meet to be considered
10 a grandfathered plan; and

11 (2) are consistent with 45 C.F.R. § 147.140 and any corresponding federal
12 rules and guidance as those provisions were in effect [December 1, 2023] **DECEMBER 31,**
13 **2024.**

14 15–1A–04.

15 For purposes of this subtitle, to the extent necessary, the Commissioner shall adopt
16 regulations that:

17 (1) establish criteria that a health benefit plan must meet to be considered
18 a health benefit plan that covers essential health benefits; and

19 (2) are consistent with 45 C.F.R. Part 156 Subpart B and any
20 corresponding federal rules and guidance as those provisions were in effect [December 1,
21 2023] **DECEMBER 31, 2024.**

22 15–1A–15.

23 (c) To the extent necessary, the Commissioner, in consultation with the Maryland
24 Health Benefit Exchange, shall adopt regulations that:

25 (1) establish standards for the summary of benefits and coverage; and

26 (2) are consistent with 45 C.F.R. § 147.200 and any corresponding federal
27 rules and guidance in effect [December 1, 2019] **DECEMBER 31, 2024.**

28 15–1A–16.

29 (a) (1) For purposes of this section, “medical loss ratio”:

30 (i) has the meaning established in 45 C.F.R. § 158.221; or

1 (ii) if the Commissioner adopts regulations as described in
2 paragraph (2) of this subsection, has the meaning established by the adopted regulations.

3 (2) To the extent necessary, the Commissioner shall adopt regulations that:

4 (i) establish a definition for “medical loss ratio”; and

5 (ii) are consistent with 45 C.F.R. § 158.221 and any corresponding
6 federal rules and guidance as those provisions were in effect [December 1, 2023]
7 **DECEMBER 31, 2024.**

8 (e) To the extent necessary, the Commissioner shall adopt regulations that:

9 (1) establish requirements for calculating medical loss ratios and related
10 reporting and rebate requirements; and

11 (2) are consistent with 45 C.F.R. Part 158 and any corresponding federal
12 rules and guidance as those provisions were in effect [December 1, 2023] **DECEMBER 31,**
13 **2024.**

14 15–1A–18.

15 (d) To the extent necessary, the Maryland Health Benefit Exchange shall adopt
16 regulations that:

17 (1) establish a process for issuing hardship exemptions and affordability
18 exemptions; and

19 (2) are consistent with 42 U.S.C. § 5000A and any corresponding federal
20 rules and guidance as those provisions were in effect [December 1, 2019] **DECEMBER 31,**
21 **2024.**

22 15–1A–19.

23 (c) To the extent necessary, the Commissioner shall adopt regulations that:

24 (1) establish annual limitations on cost-sharing; and

25 (2) are consistent with 45 C.F.R. § 156.130 and any corresponding federal
26 rules and guidance as those provisions were in effect [December 1, 2019] **DECEMBER 31,**
27 **2024.**

28 15–1A–20.

29 (c) To the extent necessary, the Commissioner shall adopt regulations that:

1 (1) establish criteria to determine whether an individual plan or a small
2 group plan provides prescription drug essential health benefit coverage; and

3 (2) are consistent with 45 C.F.R. § 156.122 and any corresponding federal
4 rules and guidance as those provisions were in effect [December 1, 2019] **DECEMBER 31,**
5 **2024.**

6 15-1A-21.

7 (c) To the extent necessary, the Commissioner shall adopt regulations that:

8 (1) establish requirements that a carrier shall comply with to rescind
9 coverage under subsection (b) of this section; and

10 (2) are consistent with 45 C.F.R. § 147.128 and any federal rules and
11 guidance as those provisions were in effect [December 1, 2019] **DECEMBER 31, 2024.**

12 15-1A-22.

13 (e) The **COMMISSIONER AND THE** Commission on Civil Rights shall enforce the
14 provisions of this section as provided for in § 2-202 of this article.

15 **(F) THE COMMISSIONER MAY ADOPT REGULATIONS NECESSARY TO CARRY**
16 **OUT THIS SECTION CONSISTENT WITH FEDERAL STATUTES, RULES, AND GUIDANCE**
17 **IN EFFECT ON DECEMBER 31, 2024.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
19 1, 2025.