

March 19, 2026

The Honorable Heather Bagnall
Chair, House Health Committee
240 Taylor House Office Building
6 Bladen St.
Annapolis, MD 21401

Re: Letter of Concern – HB 1472 – Better Small Business Employee Benefit Act Of 2026

Dear Chair Bagnall and Members of the House Health Committee,

The Maryland Health Benefit Exchange (MHBE) respectfully submits this letter of concern on House Bill (HB) 1472 – Better Small Business Employee Benefit Act Of 2026. HB 1472 would allow professional employer organizations (PEOs) to offer large group health insurance plans to individuals and small employers in Maryland (those with less than 50 employees), enabling the insurance provided to small business enrolling through PEOs to be exempt from key federal Affordable Care Act (ACA) requirements that apply to the small group market. MHBE would like to highlight opportunities to use Maryland's existing insurance markets to achieve the aims of this bill, without the potentially destabilizing impact to Maryland's small group market posed by allowing small employers to purchase large group coverage.

MHBE is committed to supporting small employers in efforts to connect their employees to health insurance, and has made strategic investments over the last few years to support the small business community in Maryland. In September 2025 MHBE launched the new Maryland Health Connection for Small Business (MHC-SB) enrollment portal, which provides Maryland small businesses with a one-stop shop to explore health insurance plans, compare rates, and assess their eligibility for coverage while quoting and establishing benefit packages using employer or employee choice models. Small businesses can also connect with free assistance through authorized brokers to help find plans that best meet employee needs and qualify for tax credits through MHC-SB. MHBE also developed and launched a Small Business Outreach and Education program alongside the enhanced enrollment portal, which focuses on increasing awareness and understanding of small-group as well as individual coverage options available through Maryland Health Connection.

However, we understand that some small employers may find it financially challenging to offer a small group plan to their employees. These employers have two ways to leverage the existing individual market. They can direct their employees to Maryland Health Connection (MHC) where employees can make use of any state or federal financial assistance for which they are eligible. A recent study estimated that 25% of enrollees in Maryland's individual market are self-employed or small business owners.¹

¹U.S. Department of the Treasury, Office of Tax Analysis: [Affordable Care Act Marketplace Coverage for the Self-Employed and Small Business Owners](#) (September 2024).

Alternatively, if the employer would like to offer a financial contribution to their employees' individual market premiums, the employer can set up Individual Coverage Health Reimbursement Arrangements (ICHRA) for their employees. ICHRA is a relatively new alternative to traditional group plans, first becoming available to employers in 2020. ICHRA allows employers to set aside pre-tax, fixed dollar amounts per employee for employees to use to purchase individual health insurance plans. ICHRA leverages the state's existing individual market with no changes needed to current law, and allow employers and their employees to benefit from Maryland's affordable individual market rates as well as ensure that small business employees benefit from all the ACA and other state protections in that market. MHBE is in the process of examining how to further support employers interested in ICHRA to facilitate the purchase of individual market plans through the Maryland Health Connection (MHC). In the meantime, there are a variety of existing companies that assist employers with setting up ICHRA in Maryland, and the funds available through an ICHRA may be used to purchase an individual market plan through MHC or directly from an insurer.

MHBE is concerned that allowing PEOs to offer large group plans to sole proprietors and small businesses may negatively affect the stability of the individual and small group markets. Generally, a larger risk pool of insured individuals in a single market provides a greater balance of low-cost healthier individuals who offset higher-cost individuals, contributing to greater market stability. However, because large group plans offered by PEOs would be allowed to rate based on health status, unlike in the individual and small group markets, there is concern that healthier individuals and small groups will leave the market in favor of less expensive plans offered by PEOs. This could leave a smaller pool of higher-cost people in the individual and small group markets which could result in increased premiums for those who remain, potentially destabilizing the markets and resulting in a higher state share of costs for the state reinsurance program. We also note that a recent report on PEOs submitted to the legislature by the Maryland Insurance Administration (MIA) did not include evidence that allowing small employers to access a PEO's large group plan would significantly reduce premiums for small businesses.²

For further discussions or questions on HB 1472, please contact Johanna Fabian-Marks, Deputy Executive Director at johanna.fabian-marks@maryland.gov.

Sincerely,

Michele Eberle
Executive Director

² Maryland Insurance Administration, report pursuant to 2024 SB 821: [Professional Employer Organizations \(PEO\) Study](#) (January 2025)