

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 183
Finance

(Senator Lam)

Health Insurance - Health Benefit Plans - Special Enrollment Period for
Pregnancy

This emergency bill alters the circumstances that trigger a special enrollment period (SEP) during which an individual who becomes pregnant may enroll in a health benefit plan, as well as the date on which the SEP begins and the effective date of coverage. Specifically, these may be triggered by or begin on the date that an eligible employee (or the eligible employee's spouse or dependent) attests to receiving confirmation of pregnancy rather than on the date of confirmation of pregnancy by a health care practitioner. The bill applies to all policies, contracts, and health benefit plans issued, delivered, amended, or renewed in the State on or after the effective date of the bill.

Fiscal Summary

State Effect: Minimal increase in special fund revenues for the Maryland Insurance Administration (MIA) in FY 2020 or 2021 from the \$125 rate and form filing fee; MIA's review of filings can likely be handled with existing resources. No impact on the State Employee and Retiree Health and Welfare Benefits Program.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary/Current Law: Chapter 355 of 2019 requires a small employer health benefit plan to provide an SEP for an eligible employee who becomes pregnant and an eligible employee's spouse or dependent who becomes pregnant, provided the spouse or

dependent is otherwise eligible for coverage. A carrier participating in the Individual Exchange must provide an SEP for an individual who purchases coverage through the Individual Exchange if the individual or a dependent becomes pregnant. Other carriers must provide an SEP for an individual who purchases coverage outside the Individual Exchange if the individual or a dependent becomes pregnant.

Small employer and individual health benefit plans must provide an SEP during which an individual who becomes pregnant, *as confirmed by a health care practitioner*, may enroll in a health benefit plan. The SEP must be open for 90 days and begin on the date *a health care practitioner* confirms the pregnancy. Coverage must become effective on the first-day of the month in which the *woman receives confirmation of pregnancy*. Under the bill, the pregnancy may be attested to by the eligible employee (or the eligible employee's spouse or dependent) rather than confirmed by a health care practitioner. Coverage must become effective on the first-day of the month in which the *eligible employee (or the eligible employee's spouse or dependent) attests to receiving* confirmation of the pregnancy.

Background: The Maryland Health Benefit Exchange advises that the bill is intended to allow self-attestation of a pregnancy in order to enroll pregnant women eligible for this SEP as quickly as possible and with a streamlined administrative process. MIA notes that the removal of the requirement that a health care practitioner confirm the pregnancy will make it easier for pregnant individuals to demonstrate eligibility for this SEP; however, carriers will lose the ability to validate eligibility by requiring confirmation of the pregnancy by a health care practitioner.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Department of Budget and Management; Maryland Health Benefit Exchange; Maryland Insurance Administration; Department of Legislative Services

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mr/ljm

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