
By: **Delegate Donoghue**
Introduced and read first time: February 23, 2004
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Treatment of Morbid Obesity**

3 FOR the purpose of altering the requirements that gastric bypass surgery or another
4 surgical method must meet for coverage for treatment for morbid obesity to be
5 provided by certain insurers, nonprofit health service plans, health
6 maintenance organizations, and managed care organizations; authorizing an
7 insurer, nonprofit health service plan, health maintenance organization, or
8 managed care organization to require an insured or enrollee to satisfy certain
9 criteria to qualify for coverage for this benefit; and generally relating to the
10 treatment of morbid obesity under health insurance.

11 BY repealing and reenacting, with amendments,
12 Article - Insurance
13 Section 15-839
14 Annotated Code of Maryland
15 (2002 Replacement Volume and 2003 Supplement)

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

18 **Article - Insurance**

19 15-839.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) "Body mass index" means a practical marker that is used to assess
22 the degree of obesity and is calculated by dividing the weight in kilograms by the
23 height in meters squared.

24 (3) "Morbid obesity" means a body mass index that is:

25 (i) greater than 40 kilograms per meter squared; or

1 (ii) equal to or greater than 35 kilograms per meter squared with a
2 comorbid medical condition, including hypertension, a cardiopulmonary condition,
3 sleep apnea, or diabetes.

4 (b) This section applies to:

5 (1) insurers and nonprofit health service plans that provide hospital,
6 medical, or surgical benefits to individuals or groups on an expense-incurred basis
7 under health insurance policies or contracts that are issued or delivered in the State;

8 (2) health maintenance organizations that provide hospital, medical, or
9 surgical benefits to individuals or groups under contracts that are issued or delivered
10 in the State; and

11 (3) managed care organizations, as defined in § 15-101 of the Health -
12 General Article.

13 (c) An entity subject to this section shall provide coverage for the treatment of
14 morbid obesity through gastric bypass surgery or another surgical method that is[:

15 (1)] recognized by the National Institutes of Health as effective for the
16 long-term reversal of morbid obesity[; and

17 (2) consistent with criteria approved by the National Institutes of
18 Health].

19 (d) An entity subject to this section shall provide the benefits required under
20 this section to the same extent as for other medically necessary surgical procedures
21 under the enrollee's or insured's contract or policy with the entity.

22 (E) AN ENTITY SUBJECT TO THIS SECTION MAY REQUIRE AN ENROLLEE OR
23 INSURED TO SATISFY THE DEFINITION OF MORBID OBESITY AND OTHER
24 GUIDELINES RECOGNIZED BY THE NATIONAL INSTITUTES OF HEALTH TO QUALIFY
25 FOR COVERAGE FOR THIS BENEFIT.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 June 1, 2004.