

# SENATE BILL 313

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CF HB 878

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By: **Senators King, Miller, Harrington, Conway, Currie, Exum, Forehand, Frosh, Garagiola, Gladden, Jones, Kasemeyer, Kelley, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, ~~and Stone~~ Stone, and Middleton**

Introduced and read first time: January 27, 2010

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 23, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance – Annual Preventive Care**

3 FOR the purpose of ~~prohibiting certain insurers, nonprofit health service plans, and~~  
4 ~~health maintenance organizations that provide covered benefits for annual~~  
5 ~~preventive care from denying coverage solely because a certain number of days~~  
6 ~~has not elapsed since the previous annual preventive care occurred;~~ requiring  
7 the certain insurers, nonprofit health service plans, and health maintenance  
8 organizations to provide coverage for ~~the certain types of~~ annual preventive care  
9 if certain conditions are met; prohibiting certain provisions from being  
10 construed to require coverage for a certain service; making certain requirements  
11 applicable to health maintenance organizations; defining a certain term;  
12 providing for the application of this Act; and generally relating to health  
13 insurance coverage for annual preventive care.

14 BY adding to

15 Article – Insurance

16 Section 15–134

17 Annotated Code of Maryland

18 (2006 Replacement Volume and 2009 Supplement)

19 BY adding to

20 Article – Health – General

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 19–706(cccc)  
2 Annotated Code of Maryland  
3 (2009 Replacement Volume)

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

6 **Article – Insurance**

7 **15–134.**

8 (A) (1) IN THIS SECTION, “ANNUAL PREVENTIVE CARE” MEANS AN  
9 ANNUAL PREVENTIVE VISIT, SCREENING, OR EXAMINATION THAT IS A COVERED  
10 BENEFIT UNDER A POLICY OR CONTRACT ISSUED OR DELIVERED BY AN ENTITY  
11 SUBJECT TO THIS SECTION.

12 (2) “ANNUAL PREVENTIVE CARE” INCLUDES, IF THE SERVICE IS A  
13 COVERED BENEFIT:

14 (I) AN ANNUAL CHILD WELLNESS VISIT;

15 (II) A ROUTINE GYNECOLOGICAL VISIT; ~~AND~~

16 (III) A SCREENING TEST OR EXAMINATION FOR COLORECTAL  
17 CANCER, CHLAMYDIA, HUMAN PAPILLOMAVIRUS, PROSTATE CANCER, OR  
18 BREAST CANCER; AND

19 (IV) AN ANNUAL VISION VISIT THAT INCLUDES A VISION  
20 EXAMINATION.

21 (B) THIS SECTION APPLIES TO:

22 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT  
23 PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR  
24 GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE  
25 POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

26 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE  
27 HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS  
28 UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

29 (C) AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES COVERED  
30 BENEFITS FOR ANNUAL PREVENTIVE CARE;

1 ~~(1) MAY NOT DENY COVERAGE FOR THE ANNUAL PREVENTIVE~~  
2 ~~CARE SOLELY BECAUSE 365 DAYS HAVE NOT YET ELAPSED SINCE THE PREVIOUS~~  
3 ~~ANNUAL PREVENTIVE CARE OCCURRED; AND~~

4 ~~(2)~~ SHALL PROVIDE COVERAGE FOR THE ANNUAL PREVENTIVE  
5 CARE IF:

6 ~~(1)~~ (1) THE ANNUAL PREVENTIVE CARE IS PROVIDED NO  
7 MORE THAN ~~45 DAYS BEFORE THE ANNIVERSARY DATE FOR THE ANNUAL~~  
8 ~~PREVENTIVE CARE~~ ONCE AT ANY TIME DURING THE PLAN YEAR ESTABLISHED IN  
9 THE POLICY OR CONTRACT; AND

10 ~~(2)~~ (2) ANY OTHER REQUIREMENTS FOR COVERAGE OF  
11 THE ANNUAL PREVENTIVE CARE ARE MET.

12 (D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE COVERAGE  
13 FOR A SERVICE NOT OTHERWISE REQUIRED BY LAW.

14 Article - Health - General

15 19-706.

16 (CCCC) THE REQUIREMENTS OF § 15-134 OF THE INSURANCE  
17 ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
19 policies, contracts, and health benefit plans issued, delivered, or renewed in the State  
20 on or after October 1, 2010, or, for policies, contracts, and health benefit plans in effect  
21 in the State on October 1, 2010, but not subject to renewal before October 1, 2011, no  
22 later than October 1, 2011.

23 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
24 effect October 1, 2010.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.