

In subsection (b)(2)(iii) of this section, the reference to "provisions governing late enrollees and any other provisions of this subheading that apply to coverage" is substituted for the former reference to "any late enrollee or other provisions of this subtitle" for clarity.

Subsection (c)(1) of this section is revised to clarify that the only requirements a carrier may impose on a group are the requirements in this section. This revision is consistent with subsection (b) of this section, which guarantees issuance of a health benefit plan to groups or individuals who meet those requirements.

In subsection (d) of this section, the prohibition against requiring "an employer to contribute to payment of premiums for a health benefit plan" is substituted for the former prohibition against "minimum employer contributions" to clarify the limitation placed on carriers with respect to employer contributions.

Defined terms: "Carrier" § 1

"Commissioner" IN § 1-101

"Employer" § 1

"Health benefit plan" § 1

"Late enrollee" § 1

"Premium" IN § 1-101

8. Offering of coverage by carriers.

(a) In general.

A carrier that offers coverage to a group shall offer coverage to all of its members.

(b) Health maintenance organizations.

(1) A health maintenance organization need not offer coverage:

(i) to an individual or group that is outside of the health maintenance organization's approved service areas;

(ii) to a member of a group who resides outside of the health maintenance organization's approved service areas; or

(iii) within an area where the health maintenance organization reasonably anticipates, and demonstrates to the satisfaction of the Commissioner, that it will not have the capacity in its network of providers to deliver service adequately because of obligations to existing group contract holders and enrollees.

(2) A health maintenance organization that does not offer coverage under paragraph (1)(iii) of this subsection may not offer coverage in the applicable area to any individuals or groups until the later of:

(i) 180 days after a refusal to do so; or