

Small Business Health Options Program Regulations

November 18, 2019
MHBE Board Meeting

SHOP Regulations – Background

- Initial draft regulations presented to the Board at the June meeting
- The final draft was presented at the September meeting
 - The final draft included minor, non-substantive changes
 - Notice of Final Action published in the October 25th issue of the Maryland Register
 - As of November 4th, the draft regulations are eligible for adoption
 - MHBE received no comments on the Notice of Final Action

Section	Original text	Change/addition	Justification
.03B(1)(a)	Has 50 or fewer employees	Has on average, 50 or fewer employees, during the preceding calendar year	Clarified to be consistent with the definition of “small employer” in Insurance Article, §31-101(aa)(1), Annotated Code of Maryland.
.03I(3)	Minimum participation is attained prior to initial plan enrollment, and annually prior to plan renewal for employee choice groups.	Minimum participation is determined prior to initial plan enrollment, and annually prior to plan renewal.	Deletion is to avoid confusion that this regulation was creating an exception and both employee and employer choice must attain minimum participation annually at renewal.
.03J(1)	Those who have group spousal coverage under a public or private plan of health insurance or another employer's health benefit arrangement, including Medicare, Medicaid, and CHAMPUS, that provides benefits similar to or exceeding the benefits provided under a bronze level health plan as described in 45 CFR §156.140	Employees who are enrolled in coverage through another group health plan, governmental coverage (such as Medicare, Medicaid, or TRICARE), coverage sold through the individual market, or in other minimum essential coverage;	Amended to remove an unnecessary cross-reference to federal regulations, by inserting the substance of the referenced regulation and clarify that the listed health coverage programs are examples and not an exclusive list.

Motion to Adopt Regulations

MHBE requests the Board's approval to adopt regulations 14.35.18 Small Business Health Options Program, as published in the October 25th issue of the Maryland Register.

Thank you!

