

WES MOORE
Governor

ARUNA MILLER
Lt. Governor



KATHLEEN A. BIRRANE
Commissioner

TAMMY LONGAN
Acting Deputy Commissioner

LYNN BECKNER
Associate Commissioner
Financial Regulation

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December 29, 2023

The Honorable Bill Ferguson
President of the Senate
State House, Room H-107
100 State Circle
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
State House, H-101
Annapolis, Maryland 21401

The Honorable Pamela Beidle
Chair, Senate Finance Committee
Miller Senate Office Building, 3 East Wing
11 Bladen Street
Annapolis, MD 21401

The Honorable Joseline A. Pena-Melnyk
Chair, House Health and Government
Operations Committee
241 Taylor House Office Building
6 Bladen Street
Annapolis, MD 21401

Re: Report required by House Bill 937, 2022/Ch. 56(4), 2022 - (MSAR #: 14161)

Dear President Ferguson, Speaker Jones, Chair Beidle and Chair Pena-Melnyk:

Attached please find The Abortion Care Access Act Data Report for your consideration. The Abortion Care Access Act of 2022 (the "Act") requires that the Maryland Insurance Administration collect data regarding segregated accounts for non-expected abortion services from State-regulated plans and report the aggregated data to the Senate Finance Committee and the House Health and Government Operations Committee. The Act provides in pertinent part as follows:

(a) The Maryland Insurance Administration shall collect data from State-regulated plans on receipts, disbursements, and ending balances for segregated accounts established under § 1303(b)(2)(B) and (C) of the federal Patient Protection and Affordable Care Act and 45 C.F.R. § 156.280.

(b) The Maryland Insurance Administration shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, as follows:

* * * *

(2) on or before January 1, 2024, aggregate data collected for the period from January 1, 2022, to December 31, 2022, both inclusive;

Section 4, House Bill 937, Chapter 56(4) of the Acts of 2022.

Five printed copies of this report have also been mailed to the Department of Legislative Services library for its records.

Should you have any questions regarding this report, please do not hesitate to contact me or my Director of Legislative & Regulatory Policy, Jamie Sexton, at jamie.sexton@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Kathleen A. Birrane". The signature is written in a cursive, flowing style.

Kathleen A. Birrane
Insurance Commissioner

cc: Sarah T. Albert, Department of Legislative Services (5 copies)



Abortion Care Access Act Data Report

HB 937, 2022/Ch. 56(4), 2022

(MSAR #: 14161)

Kathleen A. Birrane
Commissioner

December 29, 2023

Reporting Requirement

The Maryland Insurance Administration (MIA) is required by federal law to collect and maintain data from state-regulated plans on receipts, disbursements, and ending balances for segregated accounts established under § 1303(b)(2)(B) and (C) of the federal Patient Protection and Affordable Care Act (ACA) and 45 C.F.R. § 156.280. The Abortion Care Access Act of 2022 likewise directs the MIA to collect this data and, in addition, to report the data annually from 2023 through 2026 to the Senate Finance Committee and the House Health and Government Operations Committee. The second of the four reports, which is due on or before January 1, 2024, must include data collected by the MIA for the period from January 1, 2022 to December 31, 2022.

Background

In accordance with § 1303 of the ACA, if an issuer of a qualified health plan (QHP) includes coverage for certain abortion services ("non-excepted abortion services"), federal funds furnished in the form of premium tax credits or cost-sharing reductions may not be used to pay for those services. Issuers of QHPs that include coverage for non-excepted abortion services must collect from each enrollee in the QHP (without regard to age, sex, or family status) separate premium payments for non-excepted abortion service coverage and for other coverage under the plan, deposit the separate payments into separate allocation accounts, and use payments allocated to those separate accounts exclusively to pay for non-excepted abortion services and services other than non-excepted abortion services, respectively.

Additionally, each QHP issuer participating in a Health Insurance Marketplace, also known as an "Exchange," must provide the state insurance commissioner "an annual assurance statement attesting that the plan has complied with § 1303 of the Affordable Care Act and applicable regulations." *See* 45 C.F.R. § 156.280(5)(iii).

The MIA notified issuers of QHPs to be sold on Maryland's Individual Health Benefit Exchange of these requirements and the manner in which the Insurance Commissioner would be implementing them in Bulletin 13-24, issued on July 31, 2013. Pursuant to Bulletin 13-24, each QHP issuer is required to file on or before March 1 of each year, an annual supplemental information schedule of receipts, disbursements, and ending balances for segregated accounts for the preceding calendar year ("Schedule").

QHP Segregated Account Data by Year

Please find aggregate data from state-regulated plans on receipts, disbursements, and ending balances for segregated accounts for January 1, 2022 through December 31, 2022, listed below. Please note that only carriers offering coverage for non-excepted abortion services as a QHP in a given year are required to file a schedule, and therefore only such carriers are included in this report.

January 1, 2022 to December 31, 2022			
Carrier	Receipts	Disbursements	Ending Balance
CareFirst BlueChoice, Inc.	2,147,393	40,915	2,106,478
CareFirst of Maryland, Inc.	78,891	5,981	73,010
Group Hospitalization and Medical Services, Inc.	34,033	1,416	32,617
Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.	611,514	67,702	543,812

*Individual filings found in Appendix

Supplemental Schedule of Qualified Health Plans Elective Abortion Benefits
December 31, 2022
State of Maryland

		<u>CFMI</u>		<u>GHMSI</u>		<u>CFBC</u>
Beginning Balance	\$	–	\$	–	\$	–
Receipts		78,991		34,033		2,147,393
Disbursements		5,981		1,416		40,915
Ending Balance	\$	73,010	\$	32,617	\$	2,106,478

CFMI - CareFirst of Maryland, Inc.

GHMSI - Group Hospitalization and Medical Services, Inc.

CFBC - CareFirst BlueChoice, Inc.

Health Care Reform Federal Fund Segration Plan
Annual Assurance Statement for Health Plan Activity
Statement of Revenue and Expenses

Region:	Kaiser Foundation Health Plan of the Mid-Atlantic
State:	Maryland
NAIC ID:	95639
Year:	2022

	Category	CY2022 YTD
1	Member Months	611,514
2	Net Premium income	\$ 611,514
3	Change in unearned premium reserves and reserve for rate credits	\$ -
4	Fee for service	\$ -
5	Risk revenue	\$ -
6	Aggregate write-ins for other health care related revenue	\$ -
7	Aggregate write-ins for other non-health revenue	\$ -
8	Total Revenues	\$ 611,514
	Hospital and Medical:	
9	Hospital/medical benefits	\$ 49,181
10	Other professional services	\$ -
11	Outside referrals	\$ -
12	Emergency room and out-of-area	\$ -
13	Prescription drugs	\$ 18,521
14	Aggregate write-ins for other hospital and medical	\$ -
15	Incentive pool, withhold adjustments and bonus amounts	\$ -
16	Subtotal	\$ 67,702
	Less:	
17	Net reinsurance recoveries	\$ -
18	Total hospital and medical (lines 16 minus 17)	\$ 67,702
19	Non-health claims (net)	\$ -
20	claims adjustment expenses including _____, cost containment exp.	\$ -
21	General administrative expenses	\$ -
22	Increase in reserves for life and accident and health contracts	\$ -
23	Total underwriting deductions (Lines 18 thru 22)	\$ 67,702
24	Net underwriting gain or (loss) (Lines 8 minus Line 23)	\$ 543,812
25	Net investment income earned (Exhibit of Net Investment Income Line 17)	\$ -
26	Net realized capital gains (losses) less capital gains tax	
27	Net investment gains (losses) (Lines 25 + 26)	\$ -
28	Net gain or (loss) from agents' or premium balances charged off	\$ -
29	Aggregate write-ins for other income or expenses	\$ -
30	Net income or (loss) after capital gains tax and before all other federal income taxes (line 24+27+28+29)	\$ 543,812
31	Federal and foreign income taxes incurred	\$ -
32	Net Income (loss) (Lines 30 minus 31)	\$ 543,812

Note: Calculations