

MARTIN O'MALLEY  
Governor

ANTHONY G. BROWN  
Lt. Governor



THERESE M. GOLDSMITH  
Commissioner

KAREN STAKEM HORNIG  
Deputy Commissioner

200 St. Paul Place, Suite 2700, Baltimore, Maryland 21202  
1-800-492-6116 TTY: 1-800-735-2258  
[www.mdinsurance.state.md.us](http://www.mdinsurance.state.md.us)

## BULLETIN 13-06 AMENDED

Date: January 29, 2013

To: Insurers, Nonprofit Health Service Plans, and Health Maintenance Organizations Offering Health Benefit Plans in the Small Employer or Individual Markets in Maryland ("Carriers")

Re: Exemption from Participation in the Maryland Health Benefit Exchange

The purpose of this Bulletin is to provide guidance to carriers about the process that has been established to submit evidence to the Commissioner that the carrier qualifies for an exemption from participation in the Maryland Health Benefit Exchange (MHBE).

This amended Bulletin corrects a typographical error in Bulletin 13-06, which was issued on January 25, 2013. The only change is a correction of the due date of an exemption request and is found in the last paragraph of this Bulletin.

### *Authority*

Effective January 1, 2014, in accordance with §§15-1204.1(b) and 15-1303(b) of the Insurance Article, with respect to any health benefit plan that is not a grandfathered health benefit plan, carriers may not offer health benefit plans in the small employer or individual markets in Maryland unless they also offer qualified health plans in the Small Business Health Options Program (SHOP) Exchange or the Individual Exchange, respectively.

Section 15-1204.1(b)(2) of the Insurance Article provides that a carrier is exempt from offering qualified health plans in the SHOP Exchange if the reported total aggregate annual earned premium from all health benefit plans offered to small employers in the State for the carrier and other carriers in the same insurance company holding system is less than \$20,000,000.00 and the Commissioner determines that the carrier complies with the procedures outlined in this Bulletin.

Section 15-1303(b)(2) of the Insurance Article provides that a carrier is exempt from offering qualified health plans in the Individual Exchange if the reported total aggregate annual earned premium from all individual health benefit plans in the State for the carrier and other

carriers in the same insurance company holding system is less than \$10,000,000.00 and the Commissioner determines that the carrier complies with the procedures outlined in this Bulletin.

*Exemptions from Participation*

Exemption from participation in each Exchange shall be based on earned premium data for the calendar year that is two years before the requested year of exemption. For example, exemptions from participation in the SHOP Exchange in 2014 will be based on calendar year 2012 total aggregate earned premium from all small employer health benefit plans in the State for all carriers in the same insurance holding company system. Likewise, exemptions from participation in the Individual Exchange in 2014 will be based on calendar year 2012 total aggregate earned premium from all individual health benefit plans in the State for all carriers in the same insurance holding company system.

Carriers requesting exemptions from participation in the SHOP Exchange, the Individual Exchange or both for 2014 are required to file written requests to the Commissioner, signed by an individual with the authority to bind the carrier, specifying the applicable total aggregate 2012 earned premium for the carrier, and if applicable, all carriers in the same holding company system for the applicable market(s).

Written exemption requests should be directed to Brenda Wilson, Associate Commissioner, Life and Health, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202 or by email to [brenda.wilson@maryland.gov](mailto:brenda.wilson@maryland.gov) on or before **April 1, 2013**. Questions about this Bulletin may be directed to the Life/Health Section of the Maryland Insurance Administration at 410-468-2170.

*Signature on original*

Brenda A. Wilson  
Associate Commissioner  
Life and Health