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BULLETIN 08-06

Date: February 15, 2008

To: Insurers, Nonprofit Health Service Plans, and Health Maintenance Organizations

Re: Notice of New Emergency Regulations Regarding Domestic Partner Coverage
COMAR 31.10.35

The purpose of this bulletin is to notify carriers, i.e. insurers, nonprofit health service plans and health maintenance organizations, of emergency regulations that went into effect January 10, 2008, pursuant to a hearing that was held before the Administrative, Executive, Legislative Review Committee on the same date. The emergency regulations were published February 1, 2008 in the *Maryland Register* and are codified as **COMAR 31.10.35 Domestic Partner Coverage**.

The regulations were promulgated in response to a requirement in Chapter 639, Acts of 2007, which required the Commissioner to adopt regulations to implement new §15-403.2 of the Insurance Article. Section 15-403.2 requires carriers to offer domestic partner coverage under individual and group policies if the policies:

- (1) Allow family coverage; and
- (2) Are issued by:
 - (i) An insurer or nonprofit health service plan that provides inpatient hospital, medical, or surgical benefits to individuals or groups on an expense-incurred basis under health insurance policies or contracts that are issued or delivered in Maryland; or
 - (ii) A health maintenance organization that provides inpatient hospital, medical, or surgical benefits to individuals or groups under contracts that are issued or delivered in Maryland.

Section 3, Chapter 639, Acts of 2007 provides that new §15-403.2 shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January

1, 2008. The emergency regulations provide a definition of *domestic partner*, as well as set forth the most restrictive requirements that carriers may impose to prove that two individuals are in a domestic partner relationship.

Each carrier should examine its contracts to determine if domestic partner coverage is being offered in compliance with the new law and regulations. If the contracts are not in compliance, new forms are required to be filed for approval with the Maryland Insurance Administration. When filing new forms to comply with these new requirements, please highlight in the reference line of the cover letter the fact that the intent is to amend contracts to cover domestic partners. If the domestic partner form filings are clearly identified, the Maryland Insurance Administration will expedite the review and approval process.

For your convenience a copy of the emergency regulations, as published in the Maryland Register on February 1, 2008, are attached. The regulations can be accessed also from the Division of State Documents website at www.dsd.state.md.us.

Questions about this bulletin may be directed to the Life/Health Section at 410-468-2170.

Beth Sammis
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Maryland Insurance Administration