

MARTIN O'MALLEY  
Governor

ANTHONY G. BROWN  
Lt. Governor



BETH SAMMIS, Ph.D.  
Acting 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 10-14

Date: May 4, 2010

To: Insurers, Nonprofit Health Service Plans and Health Maintenance Organizations ("Carriers") that Write Health Coverage in Maryland

Re: Federal Health Reform and Related Form Filings for Expanding Coverage for Dependent Children to Age 26

The Patient Protection and Affordable Care Act ("PPACA") was signed by the President on March 23, 2010. The PPACA includes a provision, which applies to plan years that begin on or after six months from the date of enactment, that requires coverage to continue for dependent children until age 26. According to the PPACA, the Secretary of Health and Human Services will define by regulation the "dependents" who will qualify for the continued coverage until age 26.

Current Maryland law requires coverage for dependent children until age 25. Also, Senate Bill 57, Chapter 17, Acts of 2010 gives the Commissioner the authority to enforce certain mandates of the PPACA, including the expansion of coverage for dependent children to age 26. Several carriers have given their assurance to the Acting Commissioner that, lacking any further direction from the Secretary of Health and Human Services at this time, they are willing to voluntarily extend the provision of the Maryland law until age 26 for insured plans prior to the date the federal law becomes effective. However, the concern was raised that having to file forms for approval prior to implementing this consumer friendly provision would delay the implementation.

Insurance Article, §12-203(d) gives the Commissioner the authority to order an exemption from the filing for approval requirement if the section is not practically applicable. To extend the coverage to the greatest number of dependents at the soonest possible date, it has been determined that a form filing will not be required at this time, provided all the following are satisfied:

1. The carrier will be following the requirements of current Maryland law (Insurance Article, §15-418, Annotated Code of Maryland) for dependent coverage, but substituting “age 26” for “age 25” as the terminating age for dependents;
2. A form filing will be made for the implementation of the federal law once the Secretary of Health and Human Services promulgates regulations regarding the definition of dependent; and
3. The carrier provides notice of its intent to provide coverage for dependents to age 26 prior to the effective date of the PPACA provision for dependent children, including the date the age 26 coverage will be implemented. The notice shall be provided to:

For health maintenance organizations and nonprofit health service plans--Ellen Woodall, Chief Administrator, Life/Health Section at [ewoodall@mdinsurance.state.md.us](mailto:ewoodall@mdinsurance.state.md.us) or by facsimile to 1-410-468-2204

For insurers--Fern Thomas, Supervisor, Health Review Unit at [ftthomas@mdinsurance.state.md.us](mailto:ftthomas@mdinsurance.state.md.us) or by facsimile to 1-410-468-2204

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

Signature on file with original

---

Brenda A. Wilson  
Associate Commissioner  
Life and Health Section