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BULLETIN 21-17

Date: June 30, 2021

To: All Property and Casualty Insurers and Producers; the Maryland Automobile Insurance Fund; the Chesapeake Employers Insurance Company; and, the Joint Insurance Association

All Life and Health Insurers; Nonprofit Health Service Plans; Health Maintenance Organizations; Dental Plan Organizations; and, Producers

All Premium Finance Companies

Re: Omnibus update regarding prior bulletins issued during the COVID-19 State of Emergency

On March 5, 2020, Governor Lawrence J. Hogan, Jr. declared a state of emergency and catastrophic health emergency (the "SOE") for the entire State to control and prevent the spread of COVID-19 within the State. The SOE declared on March 5, 2020 has been renewed multiple times, most recently on June 12, 2021. Unless renewed, the SOE will terminate at 11:59 p.m. on August 15, 2021.

On June 15, 2021, the Governor issued Order No. 21-06-15-01 terminating certain specified emergency orders issued by the Governor during the SOE. A copy of that Order may be found here: <https://governor.maryland.gov/wp-content/uploads/2021/06/Termination-Roadmap-6.15.21.pdf>. Certain of the specified emergency orders will terminate at 12:01 a.m. on July 1, 2021, and all others identified in the Order will terminate at 11:59 p.m. on August 15, 2021.

During the SOE, acting pursuant to COMAR 31.1.02 and § 2-115 of the Insurance Article, the Commissioner issued various Bulletins invoking certain emergency powers. In addition, the Commissioner implemented via Bulletin the authority granted to her under the Order of the Governor of the State of Maryland No. 20-09-29-02, entitled "Permitting Video and Electronic Maryland Insurance Administration Hearings." Certain of those Bulletins have been revised, amended, or extended since they were initially issued. For those Bulletins currently in effect, this Omnibus Bulletin addresses the current status of each of those Bulletins, including the impact, where relevant, of the Order and/or the termination of the SOE.

Life and Health

BULLETIN #20-05

On March 6, 2020, pursuant to COMAR 31.01.02.05, the Insurance Administration activated COMAR 31.01.02.06A(3) requiring all health carriers to waive any time restrictions on prescription medication refills and authorize payment to pharmacies for at least a 30-day supply of any prescription medication, regardless of the date upon which the prescription medication had most recently been filled by a pharmacist.

The Administration has determined that this accommodation is no longer necessary and, effective as of 12:01 a.m. on July 1, 2021, the powers authorized under COMAR 31.01.02.06A(3) that were activated pursuant to Bulletin 20-05 are deactivated and Bulletin 20-05 is rescinded in its entirety.

BULLETIN #20-36

On September 4, 2020, pursuant to COMAR 31.01.02.05, the Administration activated the following emergency regulations for all health carriers in the state:

- COMAR 31.01.02.06A(5) required all health carriers to waive any cost-sharing, including co-payments, coinsurance, and deductibles for any visit to diagnose or test for COVID-19 regardless of the setting of the testing.
- COMAR 31.01.02.06A(6) required all health carriers to waive any cost-sharing, including co-payments, coinsurance, and deductibles for laboratory fees to diagnose or test for COVID-19.
- COMAR 31.01.02.06A(7) required all health carriers to waive any cost-sharing, including co-payments, coinsurance and deductibles for vaccination for COVID-19.
- COMAR 31.01.02.06G required all health carriers to evaluate a request to use an out-of-network provider to perform diagnostic testing of COVID-19 solely on the basis of whether the use of the out-of-network provider is medically necessary or appropriate.
- COMAR 31.01.02.06I required all health carriers to consider an adverse decision on a request for coverage of diagnostic services for COVID-19 an emergency case for which an expedited grievance procedure is required under § 15-10A-02 of the Insurance Article.
- COMAR 31.01.02.06J clarified that the cost-sharing waivers did not apply to a Medicare supplement policy as defined by § 15-901(k) of the Insurance Article.
- COMAR 31.01.02.06N required that with respect to an eligible individual, a carrier in the Medicare supplement market may not:
 - Deny or condition the issuance or effectiveness of a Medicare supplement policy that is offered and is available for issuance to new enrollees by the issuer;
 - Discriminate in the pricing of a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition; and
 - Impose an exclusion of benefits based on a preexisting condition under a Medicare supplement policy.

Eligible individual” is defined in COMAR 31.01.02.03B(13) as an individual who:

- Enrolled in Medicare Part B while enrolled in the Maryland Medical Assistance Program;
- Remained in the Maryland Medical Assistance Program due to a suspension of terminations by the Maryland Medical Assistance Program during a state of emergency, and was not disenrolled until or terminated until at least 6 months following the effective date of enrollment in Part B of Medicare;
- Seeks to enroll in a Medicare supplement policy during the 63-day period following the later of notice of termination or disenrollment or the date of termination from the Maryland Medical Assistance Program; and
- Submits evidence of the date of termination or disenrollment from the Maryland Medical Assistance Program with the application for a Medicare supplement policy.

The Administration has determined that the accommodations authorized by COMAR 31.01.02.06G and by COMAR 31.01.02.06I are no longer necessary, but that it is necessary to continue all other powers activated pursuant to Bulletin 20-36 until the termination of the SOE.

Consequently, effective as of 12:01 a.m. on July 1, 2021, COMAR 31.01.02.06G and COMAR 31.01.02.06I, which were previously activated pursuant to Bulletin 20-06 and continued pursuant to Bulletin 20-36 are deactivated.

COMAR 31.01.02.06A(5), (6) and (7), F, J, and N will remain activated until the termination of the SOE, unless terminated sooner by a separate bulletin.

BULLETIN 21-09

On March 22, 2021, pursuant to COMAR 31.01.02.05, the Insurance Administration activated COMAR 31.01.02.06A(3) and F in a targeted manner, placing the following requirements on all health carriers:

1. a health carrier is prohibited from denying a claim or authorization request for coverage for the administration of monoclonal antibody therapies, including Bamlanivimab and the combination of Casirivimab and Imdevimab, on the ground that such therapy or treatment modality is experimental or investigational; and
2. a health carrier must waive any cost-sharing, including copayments, coinsurance, and deductibles, for the administration of monoclonal antibody therapies, including Bamlanivimab and the combination of Casirivimab and Imdevimab;

provided, with respect to both (1) and (2), that the Emergency Use Authorization issued by the U.S. Food and Drug Administration for the specified antibody therapies is in effect and the administration of the drug complies with the terms of the Emergency Use Authorization.

The Administration has determined that this accommodation is still necessary. Therefore, Bulletin 21-09 shall remain in effect until the termination of the SOE, unless terminated sooner by a separate bulletin.

BULLETIN 21-12

On May 24, 2021, pursuant to COMAR 31.01.02.05, the Insurance Administration activated COMAR 31.01.02.06A(1), requiring all health carriers to suspend health benefit cancellations and nonrenewals of individual health policies for non-payment of premium, unless certain conditions set forth in the bulletin were satisfied. The activation of COMAR 31.01.02.06A(1) expires on July 24, 2021, unless renewed. And renewal would terminate immediately upon the termination of the SOE.

The Administration has determined that it is not necessary to renew the activation of COMAR 31.01.02.06A(1) and, hence, the obligations set forth in Bulletin 21-12 will expire on July 24, 2021. The MIA notes that notwithstanding the termination of the Bulletin, the Special Enrollment Period established by the Maryland Health Benefit Exchange will remain in place through August 15, 2021.

Property & Casualty

BULLETIN # 20-13

On March 25, 2020, the Insurance Administration notified all Property & Casualty insurers writing private passenger automobile insurance in the State of the suspension of the 45-day advance mailing requirement under §§ 27-613 and 27-617 of the Insurance Article for the duration of the SOE. The Bulletin also informed these licensees that the Insurance Administration would accept late-filed protests under §§ 27-613 and 27-614 for the duration of the SOE.

The Administration has determined that this accommodation is no longer necessary and, effective as of 12:01 a.m. on July 1, 2021, Bulletin 20-13 is rescinded in its entirety and of no further force and effect

Bulletin # 20-29

On July 23, 2020, the Insurance Administration informed all writers of title insurance in the State of certain steps being taken in response to the SOE with respect to the statutory requirement for annual on-site audits pursuant to § 10-121 of the Insurance Article and COMAR 31.04.22.

This Bulletin will be renewed for 2021 and that renewal will be addressed in a separate bulletin.

Producer Licensing

BULLETIN # 21-15

On June 7, 2021, the Insurance Administration issued Bulletin 21-15 and informed all Maryland Insurance Licensees (including Advisers, Insurance Producers, Portable Electronics Vendors, Public Adjusters, Self-Services Storage Producers, Surplus Lines Brokers, and Viatical Settlement Brokers), that it will no longer automatically extend expiration dates beyond June 30, 2021 due to the executive orders issued by Governor Hogan in response to the state of emergency.

Other

Governor's Order 20-09-29-02 (Permitting Video and Electronic Maryland Insurance Administration Hearings)

Special emergency order 20-09-29-0 authorized the Commissioner to require hearings otherwise required to be conducted in person to be conducted electronically. Pursuant to the Order, that special order will terminate on August 15, 2021 at 11:59 P.M. The Administration will continue to conduct electronic hearings by consent of the parties.

Please direct any questions concerning the Life & Health aspects of this Bulletin to the Associate Commissioner for Life & Health, David Cooney, (David.Cooney@Maryland.gov / 410.468.2215). Please direct any questions concerning the Property & Casualty aspects of this Bulletin to the Associate Commissioner for Property & Casualty, Robert Baron (Robert.Baron@Maryland.gov / 410.468.2353). Please direct any questions concerning the Producer Licensing aspects of this Bulletin to the Associate Commissioner for Compliance and Enforcement, Erica Bailey (Erica.Bailey@Maryland.gov / 410.468.2113). Please direct any questions related to electronic hearings to the Office of Hearings via: appealsclerkcontacts.mia@maryland.gov.

KATHLEEN A. BIRRANE

signature on original

Commissioner