

HOUSE BILL 574
EMERGENCY BILL

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2004 Regular Session
(41r0122)

ENROLLED BILL
-- Health and Government Operations/Finance --

Introduced by **Chairman, Health and Government Operations Committee (By
Request - Departmental - Insurance Administration, Maryland)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 54

1 AN ACT concerning

2 **Health Insurance - Medicare Supplement *Policies* - ~~Repeal of Prohibited~~**
3 **~~Solicitation~~ Sale or Offer to Medicaid-Eligible Individual**

4 FOR the purpose of ~~repealing a certain prohibition against selling specifying the~~
5 ~~provisions under which a Medicare supplement policy may be sold to an~~
6 ~~individual eligible for Medicaid benefits~~ *repealing a certain prohibition against*
7 *a carrier or insurance producer negligently or knowingly selling or offering to sell*
8 *a Medicare supplement policy to an individual eligible for Medicaid; authorizing*
9 *a carrier or insurance producer to sell or offer to sell a Medicaid supplement*
10 *policy to an individual eligible for Medicaid in accordance with certain*
11 *provisions of federal law*; making this Act an emergency measure; and generally
12 relating to the sale *or offer* of a Medicare supplement policy.

13 BY repealing and reenacting, with amendments,
14 Article - Insurance
15 Section 15-925

1 Annotated Code of Maryland
2 (2002 Replacement Volume and 2003 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article - Insurance**

6 15-925.

7 (a) When soliciting the sale of a health insurance policy, a carrier or insurance
8 producer may not knowingly offer a Medicare supplement policy to an individual not
9 eligible for Medicare.

10 {(b) A carrier or insurance producer may ~~not negligently or knowingly~~ ONLY
11 sell or offer to sell a Medicare supplement policy to an individual eligible for Medicaid
12 benefits IN ACCORDANCE WITH THE PROVISIONS OF 42 U.S.C. § 1395SS AND THIS
13 SUBTITLE.}

14 {(c)} ~~(B)~~ A carrier or insurance producer may not negligently or knowingly sell
15 or offer to sell to an individual a Medicare supplement policy that duplicates to any
16 extent an existing Medicare supplement policy that covers that individual.

17 {(d)} ~~(C)~~ A carrier or insurance producer may not use the terms "Medicare
18 supplement", "Medigap", or other words of similar meaning in advertising or
19 otherwise in soliciting the sale of a health insurance policy or other policy, unless the
20 policy conforms to §§ 15-904, 15-906, 15-907, and 15-908 of this subtitle.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an
22 emergency measure, is necessary for the immediate preservation of the public health
23 or safety, has been passed by a ye and nay vote supported by three-fifths of all the
24 members elected to each of the two Houses of the General Assembly, and shall take
25 effect from the date it is enacted.