

Chapter 42

(Senate Bill 48)

AN ACT concerning

**Health Insurance – Medicare Supplement Policies for Dual Eligible Individuals
– Open Enrollment Period**

FOR the purpose of requiring certain health insurance carriers, under certain circumstances, to make available during a certain time period certain Medicare supplement policy plans to individuals who are under the age of 65 years but are eligible for Medicare due to a disability; repealing an obsolete provision of law relating to open enrollment in certain Medicare supplement policy plans for individuals terminated from the Maryland Health Insurance Plan; and generally relating to Medicare supplement policy enrollment for dual eligible individuals.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–909(b)

Annotated Code of Maryland

(2011 Replacement Volume and 2016 Supplement)

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

Article – Insurance

15–909.

(b) (1) If an application for a Medicare supplement policy or certificate is submitted during the 6–month period beginning with the first month in which an individual who is at least 65 years old first enrolls for benefits under Medicare Part B, a carrier:

(i) may not deny or condition the issuance or effectiveness of the Medicare supplement policy or certificate or discriminate in the pricing of the Medicare supplement policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of the applicant; or

(ii) may not deny, reduce, or condition coverage or apply an increased premium rating to an applicant for a Medicare supplement policy because of the health status, claims experience, or medical condition of the applicant or the use of medical care by the applicant.

(2) Notwithstanding paragraph (1)(ii) of this subsection, a carrier may include in a Medicare supplement policy a provision that complies with subsection (d) of this section.

(3) (i) A carrier shall make available Medicare supplement policy plans A and C to an individual who is under the age of 65 years but is eligible for Medicare due to a disability, if an application for a Medicare supplement policy or certificate is submitted:

1. during the 6-month period following the applicant's enrollment in Part B of Medicare; or

2. [for an individual terminated from the Maryland Health Insurance Plan as a result of enrollment in Part B of Medicare, during the 6-month period after the individual's termination] **IF THE APPLICANT IS NOTIFIED BY MEDICARE OF THE APPLICANT'S RETROACTIVE ENROLLMENT IN MEDICARE, DURING THE 6-MONTH PERIOD FOLLOWING NOTIFICATION OF ENROLLMENT IN MEDICARE.**

(ii) For a Medicare supplement policy plan A or C required to be made available under subparagraph (i) of this paragraph, a carrier:

1. may not deny or condition the issuance or effectiveness of a Medicare supplement policy plan A or C because of the health status, claims experience, receipt of health care, or medical condition of the applicant; or

2. may not deny, reduce, or condition coverage to the applicant for a Medicare supplement policy plan A or C because of the health status, claims experience, or medical condition of the applicant or the use of medical care by the applicant.

(iii) For a Medicare supplement policy plan A required to be made available under subparagraph (i) of this paragraph, a carrier may not charge individuals who are under the age of 65 years, but are eligible for Medicare due to a disability, a rate higher than the average of the premiums paid by all policyholders age 65 and older in the State who are covered under that plan A policy form.

(4) A carrier may elect to offer Medicare supplement policy plans to individuals who are under the age of 65 years, but eligible for Medicare due to a disability, in addition to the Medicare supplement policy plans A and C that are required to be offered under paragraph (3)(i) of this subsection.

(5) Nothing in paragraph (3) of this subsection may be construed to require a carrier to offer a Medicare supplement policy plan to individuals who are under the age of 65 years, but are eligible for Medicare due to a disability, if the plan is not offered to individuals who are eligible for Medicare due to age.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2017.

Approved by the Governor, April 11, 2017.