

HOUSE BILL 247

J5
HB 1063/21 – HGO

2lr1531

By: Delegates Reznik, Jalisi, McComas, Moon, Valentino-Smith, and K. Young
K. Young, Bagnall, Belcastro, Bhandari, Carr, Chisholm, Cullison, Hill,
Johnson, Kaiser, Kelly, Kerr, Kipke, Krebs, Landis, R. Lewis, Morgan,
Reilly, Rosenberg, Saab, Sample-Hughes, and Szeliga

Introduced and read first time: January 13, 2022

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 22, 2022

CHAPTER _____

1 AN ACT concerning

2 **Insurance – Medicare Supplement ~~Policy Plans~~ Policies – Open Enrollment**
3 **Period Following Birthday**

4 FOR the purpose of requiring a carrier, during a certain time period following the
5 individual's birthday, to make available to an individual enrolled in a Medicare
6 supplement policy ~~plan~~ different Medicare supplement ~~policy plans~~ policies with
7 benefits that are equal to or less than the benefits of the individual's existing
8 coverage; prohibiting a carrier, for a ~~plan~~ policy required to be made available under
9 this Act, from denying or conditioning the effectiveness of the ~~plan~~ policy,
10 discriminating in the pricing of the ~~plan~~ policy, or denying, reducing, or conditioning
11 coverage to the individual based on certain factors; and generally relating to
12 Medicare supplement ~~policy plans~~ policies.

13 BY repealing and reenacting, with amendments,
14 Article – Insurance
15 Section 15–909(b)(2)
16 Annotated Code of Maryland
17 (2017 Replacement Volume and 2021 Supplement)

18 BY adding to
19 Article – Insurance
20 Section 15–909(b)(6)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland
2 (2017 Replacement Volume and 2021 Supplement)

3 BY repealing and reenacting, without amendments,
4 Article – Insurance
5 Section 15–909(d)
6 Annotated Code of Maryland
7 (2017 Replacement Volume and 2021 Supplement)

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

10 **Article – Insurance**

11 15–909.

12 (b) (2) Notwithstanding [paragraph] PARAGRAPHS (1)(ii) OR (6)(III)2 of this
13 subsection, a carrier may include in a Medicare supplement policy a provision that complies
14 with subsection (d) of this section.

15 ~~(b)~~ (6) (I) THIS PARAGRAPH APPLIES ONLY ON AND AFTER JULY 1,
16 2023.

17 (II) DURING THE 30 DAYS FOLLOWING THE BIRTHDAY OF AN
18 INDIVIDUAL ENROLLED IN A MEDICARE SUPPLEMENT POLICY PLAN, A CARRIER
19 SHALL MAKE AVAILABLE TO THE INDIVIDUAL DIFFERENT MEDICARE SUPPLEMENT
20 ~~POLICY PLANS~~ POLICIES WITH BENEFITS THAT ARE EQUAL TO OR LESS THAN THE
21 BENEFITS OF THE INDIVIDUAL'S EXISTING COVERAGE.

22 ~~(II) A REPLACEMENT MEDICARE SUPPLEMENT POLICY PLAN~~
23 ~~MADE AVAILABLE TO AN INDIVIDUAL UNDER SUBPARAGRAPH (I) OF THIS~~
24 ~~PARAGRAPH SHALL BE DEEMED TO HAVE BENEFITS THAT ARE EQUAL TO OR LESS~~
25 ~~THAN THE INDIVIDUAL'S EXISTING COVERAGE UNLESS:~~

26 ~~1. THE REPLACEMENT PLAN CONTAINS:~~

27 ~~A. COVERAGE FOR 100% OF THE MEDICARE PART A~~
28 ~~DEDUCTIBLE; OR~~

29 ~~B. COVERAGE FOR PART B EXCESS CHARGES; AND~~

30 ~~2. ONE OR BOTH OF THE BENEFITS DESCRIBED UNDER~~
31 ~~ITEM 1A AND B OF THIS SUBPARAGRAPH ARE NOT INCLUDED IN THE INDIVIDUAL'S~~
32 ~~EXISTING COVERAGE.~~

1 (III) 1. FOR PURPOSES OF THIS PARAGRAPH, A MEDICARE
2 SUPPLEMENT POLICY HAS EQUAL OR LESSER BENEFITS UNLESS:

3 A. IT CONTAINS ONE OR MORE SIGNIFICANT BENEFITS
4 NOT INCLUDED IN THE MEDICARE SUPPLEMENT POLICY BEING REPLACED; OR

5 B. IT CONTAINS THE SAME SIGNIFICANT BENEFITS
6 INCLUDED IN THE MEDICARE SUPPLEMENT POLICY BEING REPLACED BUT IT
7 REDUCES THE COST-SHARING RESPONSIBILITIES OF THE ENROLLEE FOR THE
8 BENEFITS.

9 2. THE COMMISSIONER SHALL ADOPT REGULATIONS
10 ESTABLISHING A MATRIX FOR IDENTIFYING WHICH MEDICARE SUPPLEMENT
11 POLICIES HAVE EQUAL OR LESSER BENEFITS.

12 ~~(III)~~ (IV) FOR A MEDICARE SUPPLEMENT POLICY ~~PLAN~~
13 REQUIRED TO BE MADE AVAILABLE UNDER SUBPARAGRAPH ~~(I)~~ (II) OF THIS
14 PARAGRAPH, A CARRIER MAY NOT:

15 1. DENY OR CONDITION THE ISSUANCE OR
16 EFFECTIVENESS OF A MEDICARE SUPPLEMENT POLICY ~~PLAN~~, OR DISCRIMINATE IN
17 THE PRICING OF THE ~~PLAN~~ POLICY, BECAUSE OF THE HEALTH STATUS, CLAIMS
18 EXPERIENCE, OR MEDICAL CONDITION OF THE INDIVIDUAL OR THE RECEIPT OF
19 HEALTH CARE BY THE INDIVIDUAL; OR

20 2. DENY, REDUCE, OR CONDITION COVERAGE TO THE
21 INDIVIDUAL FOR A MEDICARE SUPPLEMENT POLICY ~~PLAN~~ BECAUSE OF THE HEALTH
22 STATUS, CLAIMS EXPERIENCE, OR MEDICAL CONDITION OF THE INDIVIDUAL OR THE
23 USE OF MEDICAL CARE BY THE INDIVIDUAL.

24 ~~(IV)~~ (V) A CARRIER THAT OFFERS MEDICARE SUPPLEMENT
25 POLICY ~~PLANS~~ POLICIES SHALL NOTIFY AN INSURED OF THE INSURED'S RIGHTS
26 UNDER THIS PARAGRAPH AT LEAST 30 DAYS, BUT NOT MORE THAN 60 DAYS, BEFORE
27 THE INSURED'S BIRTHDAY.

28 (d) (1) Notwithstanding any other provision of law, a Medicare supplement
29 policy or certificate may not exclude or limit benefits for losses incurred more than 6 months
30 after the effective date of coverage because the losses involved a preexisting condition.

31 (2) A Medicare supplement policy or certificate may not define a
32 preexisting condition more restrictively than a condition for which a physician gave medical
33 advice or recommended or gave treatment within 6 months before the effective date of
34 coverage.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 ~~October 1, 2022~~ January 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.