

HOUSE BILL 247

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HB 1063/21 – HGO

2lr1531

By: **Delegates Reznik, Jalisi, McComas, Moon, Valentino-Smith, and K. Young**
Introduced and read first time: January 13, 2022
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Insurance – Medicare Supplement Policy Plans – Open Enrollment Period**
3 **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 with benefits
7 that are equal to or less than the benefits of the individual's existing coverage;
8 prohibiting a carrier, for a plan required to be made available under this Act, from
9 denying or conditioning the effectiveness of the plan, discriminating in the pricing of
10 the plan, or denying, reducing, or conditioning coverage to the individual based on
11 certain factors; and generally relating to Medicare supplement policy plans.

12 BY adding to
13 Article – Insurance
14 Section 15–909(b)(6)
15 Annotated Code of Maryland
16 (2017 Replacement Volume and 2021 Supplement)

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

19 **Article – Insurance**

20 15–909.

21 (b) (6) (i) **DURING THE 30 DAYS FOLLOWING THE BIRTHDAY OF AN**
22 **INDIVIDUAL ENROLLED IN A MEDICARE SUPPLEMENT POLICY PLAN, A CARRIER**
23 **SHALL MAKE AVAILABLE TO THE INDIVIDUAL DIFFERENT MEDICARE SUPPLEMENT**
24 **POLICY PLANS WITH BENEFITS THAT ARE EQUAL TO OR LESS THAN THE BENEFITS**
25 **OF THE INDIVIDUAL'S EXISTING COVERAGE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(II) A REPLACEMENT MEDICARE SUPPLEMENT POLICY PLAN**
2 **MADE AVAILABLE TO AN INDIVIDUAL UNDER SUBPARAGRAPH (I) OF THIS**
3 **PARAGRAPH SHALL BE DEEMED TO HAVE BENEFITS THAT ARE EQUAL TO OR LESS**
4 **THAN THE INDIVIDUAL'S EXISTING COVERAGE UNLESS:**

5 **1. THE REPLACEMENT PLAN CONTAINS:**

6 **A. COVERAGE FOR 100% OF THE MEDICARE PART A**
7 **DEDUCTIBLE; OR**

8 **B. COVERAGE FOR PART B EXCESS CHARGES; AND**

9 **2. ONE OR BOTH OF THE BENEFITS DESCRIBED UNDER**
10 **ITEM 1A AND B OF THIS SUBPARAGRAPH ARE NOT INCLUDED IN THE INDIVIDUAL'S**
11 **EXISTING COVERAGE.**

12 **(III) FOR A MEDICARE SUPPLEMENT POLICY PLAN REQUIRED TO**
13 **BE MADE AVAILABLE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, A CARRIER**
14 **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, 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) A CARRIER THAT OFFERS MEDICARE SUPPLEMENT POLICY**
25 **PLANS SHALL NOTIFY AN INSURED OF THE INSURED'S RIGHTS UNDER THIS**
26 **PARAGRAPH AT LEAST 30 DAYS, BUT NOT MORE THAN 60 DAYS, BEFORE THE**
27 **INSURED'S BIRTHDAY.**

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
29 **October 1, 2022.**