



General Assembly

January Session, 2021

***Raised Bill No. 843***

LCO No. 2689



Referred to Committee on INSURANCE AND REAL ESTATE

Introduced by:  
(INS)

***AN ACT CONCERNING THE REGULATION OF INSURANCE IN THIS STATE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-495c of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 (a) Each insurance company, fraternal benefit society, hospital service  
4 corporation, medical service corporation, health care center or other  
5 entity in this state that delivers, issues for delivery, continues or renews  
6 any Medicare supplement insurance policies or certificates shall base  
7 the premium rates charged on a community rate. Such rate shall not be  
8 based on age, gender, previous claims history or the medical condition  
9 of the person covered by such policy or certificate. Except as provided  
10 in subsection (c) of this section, coverage shall not be denied on the basis  
11 of age, gender, previous claim history or the medical condition of the  
12 person covered by such policy or certificate.

13 (b) Nothing in this section shall prohibit an insurance company,  
14 fraternal benefit society, hospital service corporation, medical service

15 corporation, health care center or other entity in this state issuing  
16 Medicare supplement insurance policies or certificates from using its  
17 usual and customary underwriting procedures, provided no such  
18 company, society, corporation, center or other entity shall issue a  
19 Medicare supplement policy or certificate based on the age, gender,  
20 previous claims history or the medical condition of the applicant.

21 (c) Nothing in this section shall prohibit an insurance company,  
22 fraternal benefit society, hospital service corporation, medical service  
23 corporation, health care center or other entity in this state when granting  
24 coverage under a Medicare supplement policy or certificate from  
25 excluding benefits for losses incurred within six months from the  
26 effective date of coverage based on a preexisting condition, in  
27 accordance with section 38a-495a and the regulations adopted pursuant  
28 to section 38a-495a.

29 (d) Each insurance company, fraternal benefit society, hospital  
30 service corporation, medical service corporation, health care center or  
31 other entity in the state issuing Medicare supplement policies or  
32 certificates for plan "A", "B", [or] "C" or "D", or any combination thereof,  
33 to persons eligible for Medicare by reason of age, shall offer for sale the  
34 same such policies or certificates to persons eligible for Medicare by  
35 reason of disability, except no such company, society, corporation,  
36 center or other entity issuing any Medicare supplement policy or  
37 certificate for plan "C" shall be required to offer for sale such policy or  
38 certificate to any person who is a newly eligible Medicare beneficiary,  
39 as defined in 42 USC 1395ss(z)(2).

40 (e) To the extent permissible by federal law, each insurance company,  
41 fraternal benefit society, hospital service corporation, medical service  
42 corporation, health care center or other entity in the state issuing  
43 Medicare supplement policies or certificates for plan "A", "B", [or] "C" or  
44 "D", or any combination thereof, may deliver or issue for delivery such  
45 policy to a qualified Medicare beneficiary, as defined in 42 USC  
46 1396d(p).

47 (f) Each insurance company, fraternal benefit society, hospital service  
48 corporation, medical service corporation, health care center or other  
49 entity in the state issuing Medicare supplement policies or certificates  
50 shall make all necessary arrangements with the Medicare Part B carrier  
51 and all Medicare Part A intermediaries to allow for the forwarding, to  
52 the issuing entity, of all Medicare claims containing the name of the  
53 entity issuing a Medicare supplement policy or certificate and the  
54 identification number of an insured. The entity issuing the Medicare  
55 supplement policy or certificate shall process all benefits available to an  
56 insured from a Medicare claim so forwarded, without requiring any  
57 additional action on the part of the insured.

58 (g) The Insurance Commissioner may adopt regulations, in  
59 accordance with chapter 54, to implement this section.

60 Sec. 2. Subsection (a) of section 38a-688a of the general statutes is  
61 repealed and the following is substituted in lieu thereof (*Effective June*  
62 *30, 2021*):

63 (a) Notwithstanding the requirements of sections 38a-389 and 38a-  
64 688 with respect to personal risk insurance with the exception of  
65 residual market rates, and on and after July 1, 2006, and until July 1,  
66 [2021] 2025, an insurer may file a rate with the Insurance Commissioner  
67 pursuant to this section and such rate shall take effect the date it is filed  
68 provided the rate provides for an overall state-wide rate increase or  
69 decrease of not more than six per cent in the aggregate [and not more  
70 than a fifteen per cent increase in any individual territory] for all  
71 coverages that are subject to the filing. Such percentage [limits] limit  
72 shall not apply on an individual insured basis. Not more than one filing  
73 may be made by an insurer pursuant to this section within any twelve-  
74 month period unless the filing, when combined with one or more filings  
75 made by the insurer within the preceding twelve months, does not  
76 result in an overall state-wide increase or decrease of more than six per  
77 cent in the aggregate [and not more than a fifteen per cent increase in  
78 any individual territory] for all coverages that are subject to the filing.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2021</i>	38a-495c
Sec. 2	<i>June 30, 2021</i>	38a-688a(a)

**INS**      *Joint Favorable*