

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 587**

**Representatives Dean, Klopfenstein**

**Cosponsors: Representatives Gross, Loychik, John, Dell'Aquila, Williams**

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**A BILL**

To amend section 3923.332 of the Revised Code to 1  
prohibit the Superintendent of Insurance from 2  
prohibiting certain forms of solicitation of 3  
Medicare supplement policies. 4

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 3923.332 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3923.332.** (A) No medicare supplement policy or 7  
certificate in force in this state shall contain benefits that 8  
duplicate benefits provided by medicare. 9

(B) Notwithstanding section 3923.04 of the Revised Code or 10  
any other provision of law of this state, a medicare supplement 11  
policy or certificate shall not exclude or limit benefits for 12  
losses incurred more than six months from the effective date of 13  
coverage because it involved a preexisting condition. The policy 14  
or certificate shall not define a preexisting condition more 15  
restrictively than a condition for which medical advice was 16  
given or treatment was recommended by or received from a 17  
physician within six months before the effective date of 18

coverage. 19

(C) The superintendent of insurance shall adopt reasonable 20  
rules to establish specific standards for policy provisions of 21  
medicare supplement policies and certificates. The standards 22  
shall be in addition to and in accordance with applicable laws 23  
of this state, including sections 3923.03 to 3923.09 of the 24  
Revised Code. No requirement in Title XVII or XXXIX of the 25  
Revised Code relating to minimum required policy benefits, other 26  
than the minimum standards contained in section 3923.33 and 27  
sections 3923.331 to 3923.339 of the Revised Code, shall apply 28  
to medicare supplement policies and certificates. The standards 29  
may cover, but are not limited to: 30

(1) Terms of renewability; 31

(2) Initial and subsequent conditions of eligibility; 32

(3) Nonduplication of coverage; 33

(4) Probationary periods; 34

(5) Benefit limitations, exceptions, and reductions; 35

(6) Elimination periods; 36

(7) Requirements for replacement; 37

(8) Recurrent conditions; and 38

(9) Definitions of terms. 39

(D) The superintendent shall adopt reasonable rules to 40  
establish minimum standards for benefits, claims payment, 41  
advertising and marketing practices and compensation 42  
arrangements, and reporting practices, for medicare supplement 43  
policies and certificates. 44

(1) The superintendent shall not prohibit the following 45

<u>types of solicitation:</u>	46
<u>(a) Print solicitation such as leaflets, flyers, or door hangers left at residences or on motor vehicles;</u>	47 48
<u>(b) In-person solicitations of individuals at the individual's residence or in public or common areas such as parking lots, hallways, lobbies, or sidewalks;</u>	49 50 51
<u>(c) Telephonic or electronic solicitation such as electronic voicemail messages, text messages, or direct social media messages.</u>	52 53 54
<u>(2) The superintendent may prohibit in-person solicitation at nursing homes and residential care facilities. As used in this division, "nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code.</u>	55 56 57 58 59
(E) The superintendent may adopt from time to time such reasonable rules as are necessary to conform medicare supplement policies and certificates to the requirements of federal law and regulations promulgated thereunder, including but not limited to:	60 61 62 63 64
(1) Requiring refunds or credits if the policies or certificates do not meet loss ratio requirements;	65 66
(2) Establishing a uniform methodology for calculating and reporting loss ratios;	67 68
(3) Assuring public access to policies, premiums, and loss ratio information of issuers of medicare supplement insurance;	69 70
(4) Establishing a process for approving or disapproving policy forms and certificate forms and proposed premium increases;	71 72 73

(5) Establishing a policy for holding public hearings	74
prior to approval of premium increases; and	75
(6) Establishing standards for medicare select policies	76
and certificates.	77
(F) The superintendent may adopt reasonable rules that	78
specify prohibited policy provisions not otherwise specifically	79
authorized by any provision in the Revised Code that, in the	80
opinion of the superintendent, are unjust, unfair, or unfairly	81
discriminatory to any person insured or proposed to be insured	82
under a medicare supplement policy or certificate.	83
<b>Section 2.</b> That existing section 3923.332 of the Revised	84
Code is hereby repealed.	85