

2015 -- H 5376

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO INSURANCE - MEDICARE SUPPLEMENT INSURANCE POLICIES

Introduced By: Representatives Messier, Ackerman, Casey, McLaughlin, and Johnston

Date Introduced: February 11, 2015

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 27-18.2-1 of the General Laws in Chapter 27-18.2 entitled
2 "Medicare Supplement Insurance Policies" is hereby amended to read as follows:

3 **27-18.2-1. Definitions.** -- (a) "Applicant" means:

4 (1) In the case of an individual Medicare supplement policy, the person who seeks to
5 contract for insurance benefits; and

6 (2) In the case of a group Medicare supplement policy, the proposed certificate holder.

7 (b) "Certificate" means, for the purposes of this chapter, any certificate delivered or
8 issued for delivery in this state under a group Medicare supplement policy.

9 (c) "Certificate form" means the form on which the certificate is delivered or issued for
10 delivery by the issuer.

11 (d) "Director" means the director of the department of business regulation.

12 (e) "Issuer" includes insurance companies, fraternal benefit societies, health care service
13 plans, health maintenance organizations, and any other entity delivering or issuing for delivery in
14 this state Medicare supplement policies or certificates.

15 (f) "Medicare" means the "Health Insurance for the Aged Act," 42 U.S.C. § 1395 et seq.

16 (g) "Medicare supplement policy or "Medigap" means a group or individual policy of
17 accident and sickness insurance, as defined in § 27-18-1, or a subscriber contract of a nonprofit
18 hospital service corporation or of a nonprofit medical service corporation or an evidence of
19 coverage of a health maintenance organization as defined in § 42-62-4(5) or as licensed under

1 chapter 41 of this title, other than a policy issued pursuant to a contract under Section 1876 of the
2 Federal Social Security Act, 42 U.S.C. § 1395mm, or an issued policy under a demonstration
3 project specified in 42 U.S.C. § 1395ss(g)(1), which is advertised, marketed or designed primarily
4 as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses
5 of persons eligible for Medicare.

6 (h) "Policy form" means the form on which the policy is delivered or issued for delivery
7 by the issuer.

8 SECTION 2. Chapter 27-18.2 of the General Laws entitled "Medicare Supplement
9 Insurance Policies" is hereby amended by adding thereto the following section:

10 **27-18.2-12. Open enrollment.** -- Notwithstanding any federal law to the contrary, any
11 insurer writing Medigap or any Medicare supplement insurance policy must accept a Medicare
12 enrollee's application for coverage at any time throughout the year. Moreover, all Medicare
13 supplement insurance policies subject to this chapter must be offered on an open enrollment basis
14 to persons enrolled in Medicare whether enrolled by reason of age or by reason of disability.
15 Insurers may not make any premium rate distinctions because of health status, claims experience,
16 medical condition, or whether the applicant is receiving health care services. However, eligibility
17 for policies offered on a group basis shall be limited to those individuals who are members of the
18 group to which the policy is issued.

19 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would expand the open enrollment period of all Medicare supplement insurance
2 policies, or Medigap, so that applications may be accepted anytime throughout the year.

3 This act would take effect upon passage.

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