

**2023 -- S 0583 SUBSTITUTE A**

LC002104/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2023**

**A N A C T**

**RELATING TO INSURANCE -- MEDICARE SUPPLEMENT INSURANCE POLICIES**

Introduced By: Senators Lawson, Miller, DiMario, Acosta, Euer, Britto, Lauria, Murray,  
DiPalma, and Felag

Date Introduced: March 07, 2023

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 27-18.2-3 of the General Laws in Chapter 27-18.2 entitled "Medicare  
2 Supplement Insurance Policies" is hereby amended to read as follows:

3           **27-18.2-3. Standards for policy provisions. [Effective July 1, 2023.]**

4           (a) No Medicare supplement insurance policy or certificate in force in the state shall contain  
5 benefits that duplicate benefits provided by Medicare.

6           (b) Notwithstanding any other provision of law of this state, a Medicare supplement policy  
7 or certificate shall not exclude or limit benefits for loss incurred more than six (6) months from the  
8 effective date of coverage because it involved a preexisting condition. The policy or certificate shall  
9 not define a preexisting condition more restrictively than a condition for which medical advice was  
10 given or treatment was recommended by or received from a physician within six (6) months before  
11 the effective date of coverage.

12           (c) The commissioner shall adopt reasonable regulations to establish specific standards for  
13 policy provisions of Medicare supplement policies and certificates. Those standards shall be in  
14 addition to and in accordance with the applicable laws of this state, including but not limited to §§  
15 27-18-3(a) and 42-62-12 and regulations promulgated pursuant to those sections. No requirement  
16 of this title or chapter 62 of title 42 relating to minimum required policy benefits, other than the  
17 minimum standards contained in this chapter, shall apply to Medicare supplement policies and  
18 certificates. The standards may cover, but not be limited to:

19           (1) Terms of renewability;

- 1 (2) Initial and subsequent conditions of eligibility;
- 2 (3) Nonduplication of coverage;
- 3 (4) Probationary periods;
- 4 (5) Benefit limitations, exceptions, and reductions;
- 5 (6) Elimination periods;
- 6 (7) Requirements for replacement;
- 7 (8) Recurrent conditions; and
- 8 (9) Definitions of terms.

9 (d) The commissioner may adopt reasonable regulations that specify prohibited policy  
10 provisions not specifically authorized by statute, if, in the opinion of the commissioner, those  
11 provisions are unjust, unfair, or unfairly discriminatory to any person insured or proposed to be  
12 insured under a Medicare supplement policy or certificate.

13 (e) The commissioner shall adopt reasonable regulations to establish minimum standards  
14 for premium rates, benefits, claims payment, marketing practices, and compensation arrangements  
15 and reporting practices for Medicare supplement policies and certificates.

16 (f) The commissioner may adopt any reasonable regulations necessary to conform  
17 Medicare supplement policies and certificates to the requirements of federal law and regulations  
18 promulgated pursuant to federal law, including but not limited to:

19 (1) Requiring refunds or credits if the policies or certificates do not meet loss ratio  
20 requirements;

21 (2) Establishing a uniform methodology for calculating and reporting loss ratios;

22 (3) Assuring public access to policies, premiums, and loss ratio information of issuers of  
23 Medicare supplement insurance;

24 (4) Establishing a process for approving or disapproving policy forms and certificate forms  
25 and proposed premium increases;

26 (5) Establishing a policy for holding public hearings prior to approval of premium increases  
27 that may include the applicant's provision of notice of the proposed premium increase to all  
28 subscribers subject to the proposed increase, at least ten (10) days prior to the hearing; and

29 (6) Establishing standards for Medicare select policies and certificates.

30 (g) Each Medicare supplement Plan A policy or applicable certificate that an issuer  
31 currently, or at any time hereafter, makes available in this state shall be made available to any  
32 applicant under the age of sixty-five (65) who is eligible for Medicare due to a disability or end-  
33 stage renal disease, provided that the applicant submits their application during the first six (6)  
34 months immediately following the applicant's initial eligibility for Medicare Part B, or alternate

1 enrollment period as determined by the commissioner. The issuance or coverage of any Medicare  
2 supplement policy pursuant to this section shall not be conditioned on the medical or health status  
3 or receipt of health care by the applicant; and no insurer shall perform individual medical  
4 underwriting on any applicant in connection with the issuance of a policy pursuant to this  
5 subsection.

6 (h) Individuals enrolled in Medicare Parts A and B applying for a Medicare supplement  
7 plan, regardless of age, shall receive guaranteed issue rights. The issuance or coverage of any  
8 Medicare supplement policy pursuant to this section shall not be conditioned on the medical or  
9 health status or receipt of health care by the applicant; and no insurer shall perform individual  
10 medical underwriting in connection with the issuance of a policy pursuant to this subsection;  
11 provided:

12 (1) That the applicant, having been enrolled in Medicare Part A and Part B, enrolled in a  
13 Medicare Advantage plan under Medicare Part C, and remains enrolled in such a plan when the  
14 Medicare supplement application is submitted.

15 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO INSURANCE -- MEDICARE SUPPLEMENT INSURANCE POLICIES

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1           This act would provide all Medicare recipients, regardless of age, applying for a Medicare  
2 supplement plan guaranteed issue rights. The issuance or coverage of any Medicare supplement  
3 plan would not be conditioned on the medical or health status or receipt of health care by the  
4 applicant and no insurer shall perform individual medical underwriting in regards to issuance of a  
5 policy; provided that, the applicant is enrolled in a Medicare Advantage plan under Medicare Part  
6 C when the Medicare supplement application is submitted.

7           This act would take effect upon passage.

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