

2025 -- H 5431

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LC001462
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO INSURANCE -- MEDICARE SUPPLEMENT INSURANCE POLICIES

Introduced By: Representatives Donovan, Speakman, Phillips, McNamara, Serpa,
Fellela, Edwards, Lima, Casimiro, and Potter

Date Introduced: February 12, 2025

Referred To: House 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.**

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 under the age of sixty-five (65) enrolled in Medicare Parts A and B applying
7 for a Medicare supplement plan, ~~regardless of age,~~ shall receive guaranteed issue rights for any
8 standardized Medicare Supplement Plan A ~~during an annual enrollment period of~~ for at least one
9 month each calendar year, as established by the ~~issuer~~ office of the health insurance commissioner.
10 ~~The issuance or coverage of any Medicare supplement policy pursuant to this section shall not be~~
11 ~~conditioned on the medical or health status or receipt of health care by the applicant; and no insurer~~
12 ~~shall perform individual medical underwriting in connection with the issuance of a policy pursuant~~
13 ~~to this subsection; provided:~~

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

17 (i) Medicare recipients over sixty-five (65) years of age applying for any Medicare
18 supplement plan shall receive guaranteed issue rights for at least one month each calendar year as
19 established by the office of the health insurance commissioner.

20 (j) The issuance or coverage of any Medicare supplement policy pursuant to subsections
21 (h) and (i) of this section shall not be conditioned on the medical or health status or receipt of
22 healthcare by the applicant and no insurer shall perform individual medical underwriting in
23 connection with the issuance of a policy pursuant to this subsection; provided that, the applicant,
24 having been enrolled in Medicare Part A and Part B, enrolled in a Medicare Advantage plan under
25 Medicare Part C, and remains enrolled in such a plan when the Medicare supplement application
26 is submitted.

27 SECTION 2. 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 provide that individuals under age sixty-five (65) enrolled in Medicare Parts
2 A and B would have a guaranteed right to enrollment in any standardized plan that provides
3 supplement coverage to Plan A, if enrolled during the month-long period designated by the office
4 of the health insurance commissioner (OHIC). This act would also provide that individuals over
5 age sixty-five (65) would have a guaranteed right to enroll in any Medicare supplement plan during
6 the month-long period designated by the office of the health insurance commissioner (OHIC).

7 This act would take effect upon passage.

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