

1 H.282

2 Introduced by Representative Durfee of Shaftsbury

3 Referred to Committee on

4 Date:

5 Subject: Health; health insurance; Medicare supplemental insurance; open  
6 enrollment

7 Statement of purpose of bill as introduced: This bill proposes to create annual  
8 open enrollment periods for Medicare supplemental insurance policies and to  
9 prohibit health insurers from charging additional premiums, fees, or penalties  
10 based on an individual's failure to enroll in a Medicare supplemental insurance  
11 policy within six months following the individual's 65th birthday. The bill  
12 would permit enrollees to change at any time from one Medicare supplemental  
13 insurance policy to another policy with comparable or lesser benefits. It would  
14 also direct the Department of Financial Regulation to convene a stakeholder  
15 group to consider issues related to the availability of, enrollment in, and use of  
16 supplemental coverage for Medicare beneficiaries and to provide  
17 recommendations to the General Assembly.

18 An act relating to enrollment in Medicare supplemental insurance policies

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 8 V.S.A. § 4080e is amended to read:

3 § 4080e. MEDICARE SUPPLEMENTAL HEALTH INSURANCE

4 POLICIES; COMMUNITY RATING; DISABILITY; OPEN

5 ENROLLMENT

6 \* \* \*

7 (d)(1) A health insurance company, hospital or medical service  
8 corporation, or health maintenance organization offering a Medicare  
9 supplemental insurance policy shall guarantee acceptance of an individual's  
10 application for coverage during the six-month period following the individual's  
11 65th birthday and during an annual open enrollment period that shall coincide  
12 with the federal open enrollment period for Medicare Part D plans. A health  
13 insurance company, hospital or medical service corporation, or health  
14 maintenance organization offering a Medicare supplemental insurance policy  
15 shall not make any premium rate distinctions or charge any additional fees or  
16 penalty amounts based on an applicant's failure to enroll in a Medicare  
17 supplemental insurance policy during the applicant's initial open enrollment  
18 period upon attaining 65 years of age.

19 (2) A health insurance company, hospital or medical service  
20 corporation, or health maintenance organization offering a Medicare  
21 supplemental insurance policy shall allow an enrollee to change at any time

1 from one Medicare supplemental insurance policy to another policy offering  
2 comparable or lesser benefits.

3 Sec. 2. MEDICARE SUPPLEMENTAL COVERAGE; DEPARTMENT OF  
4 FINANCIAL REGULATION; REPORT

5 (a) The Department of Financial Regulation shall convene a group of  
6 interested stakeholders to consider issues relating to the availability of,  
7 enrollment in, and use of supplemental coverage by individuals enrolled in  
8 Medicare. A majority of the stakeholders shall not have a financial stake in  
9 any Medicare supplemental coverage product.

10 (b) The stakeholder group shall examine:

11 (1) the options available to older Vermonters through Medicare  
12 supplement and Medicare Advantage plans, the affordability of these options,  
13 and the extent to which the State may regulate or otherwise affect the options  
14 offered to Medicare beneficiaries in Vermont, including the marketing of these  
15 products;

16 (2) the effects of annual or continuous open enrollment periods for  
17 Medicare supplemental coverage available in other states, including whether  
18 they have led to adverse selection or higher rate increases, or both, and the  
19 extent to which an open enrollment change for Medicare supplemental  
20 coverage would be likely to increase access to affordable coverage for eligible  
21 individuals and to reduce medical debt; and

1           (3) whether Vermont residents are receiving accurate information about  
2           Medicare supplemental coverage options and sufficient assistance with  
3           selecting products that are in their best interests and, if not, how to best remedy  
4           the situation.

5           (c) On or before January 15, 2022, the Department of Financial Regulation  
6           shall provide its findings and recommendations regarding Medicare  
7           supplemental coverage, including any recommendations for changes to  
8           Vermont law, to the House Committee on Health Care and the Senate  
9           Committees on Health and Welfare and on Finance.

10          Sec. 3. EFFECTIVE DATE

11          This act shall take effect on July 1, 2022.