

SENATE BILL No. 392

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-8-13-9.

Synopsis: Medicare supplement policies. Requires an insurer that makes a Medicare supplement policy available to an individual eligible for Medicare based on age to make at least one Medicare supplement policy available to an individual eligible for Medicare based on disability.

Effective: July 1, 2019.

Houchin

January 14, 2019, read first time and referred to Committee on Insurance and Financial Institutions.



First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 392

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 27-8-13-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 9. (a) A Medicare
3 supplement policy, contract, or certificate in force in Indiana may not
4 contain benefits that duplicate benefits provided by Medicare.
5 However, a change in Medicare coverage that becomes effective after
6 a Medicare supplement policy, contract, or certificate is in force in
7 Indiana and that causes a duplication of benefits does not void the
8 policy, contract, or certificate.
9 (b) The commissioner shall adopt rules under IC 4-22-2 to establish
10 specific standards for policy provisions of Medicare supplement
11 policies and certificates. Such standards shall be in addition to and in
12 accordance with Indiana law. No requirement of IC 27 relating to
13 minimum required policy benefits other than the minimum standards
14 contained in this chapter apply to Medicare supplement policies and
15 certificates. The standards may cover, but are not limited to:
16 (1) terms of renewability;
17 (2) initial and subsequent conditions of eligibility;



- 1 (3) nonduplication of coverage;
2 (4) probationary periods;
3 (5) benefit limitations, exceptions, and reductions;
4 (6) elimination periods;
5 (7) requirements for replacement;
6 (8) recurrent conditions; and
7 (9) definitions of terms.
- 8 (c) The commissioner may adopt rules under IC 4-22-2 that specify
9 prohibited policy provisions not specifically authorized by statute that,
10 in the opinion of the commissioner, are unjust, unfair, or unfairly
11 discriminatory to a person insured or proposed to be insured under a
12 Medicare supplement policy or certificate.
- 13 (d) Notwithstanding any other law, a Medicare supplement policy
14 or certificate shall not exclude or limit benefits for a loss incurred more
15 than six (6) months after the effective date of the policy because the
16 loss involves a preexisting condition. The policy or certificate shall not
17 define a preexisting condition more restrictively than a condition for
18 which medical advice was given or treatment was recommended by or
19 received from a physician within six (6) months before the effective
20 date of coverage.
- 21 **(e) An issuer that makes a Medicare supplement policy available**
22 **to a person who is eligible for Medicare benefits as described in 42**
23 **U.S.C. 1395c(1) shall make at least one (1) Medicare supplement**
24 **policy available to an individual who is eligible for Medicare as**
25 **described in 42 U.S.C. 1395c(2).**

