23101876D

SENATE BILL NO. 1409

Senate Amendments in [ ] - February 2, 2023

Prefiled January 11, 2023

A BILL to amend and reenact § 38.2-3610 of the Code of Virginia, relating to Medicare supplement policies for certain individuals under age 65.

Patron Prior to Engrossment—Senator Barker

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3610 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3610. Medicare supplement policies for persons eligible by reason of disability.

A. An insurer, health services plan, or health maintenance organization issuing Medicare supplement policies or certificates in the Commonwealth, including policies or certificates issued on an individual or group basis or through a group trust, shall offer the opportunity of enrolling in at least one of its issued Medicare supplement policies or certificates to any individual who resides in the Commonwealth, is under 65 years of age, is eligible for Medicare by reason of disability, as defined by 42 U.S.C. § 426(b) *or 42 U.S.C. § 426-1,* and is enrolled in Medicare Part A and B, or will be so enrolled by the effective date of coverage. Such Medicare supplement policies or certificates shall be issued on a guaranteed renewable basis under which the insurer shall be required to continue coverage as long as premiums are paid on the policy or certificate. Such Medicare supplement policies or certificates shall be offered:

1. Upon the request of the individual during the six-month period beginning with the first month in which the individual is eligible for Medicare by reason of a disability. For those persons who are retroactively enrolled in Medicare Part B due to a retroactive eligibility decision made by the Social Security Administration, the application must be submitted within a six-month period beginning with the month in which the person receives notification of the retroactive eligibility decision; or

2. Upon the request of the individual during the 63-day period following voluntary or involuntary termination of coverage under a group health plan.

B. The six-month period to enroll in a Medicare supplement policy or certificate for an individual who is under 65 years of age and is eligible for Medicare by reason of disability *under 42 U.S.C. § 426(b)* and otherwise eligible under subsection A and first enrolled in Medicare Part B before January 1, 2021, shall begin on January 1, 2021. *The six-month period to enroll in a Medicare supplement policy or certificate for an individual who is under 65 years of age and is eligible for Medicare by reason of disability under 42 U.S.C. § 426-1 and otherwise eligible under subsection A and first enrolled in Medicare Part B before January 1, 2024, shall begin on January 1, 2024.*

C. A Medicare supplement policy or certificate issued to an individual under subsection A shall not exclude benefits based on a preexisting condition if the individual has a continuous period of creditable coverage of at least six months as of the effective date of coverage.

D. [~~An~~ *Effective January 1, 2024, an*] insurer ~~may~~ ~~develop~~ *shall not charge individuals who become eligible for Medicare by reason of disability and who are under 65 years of age* premium rates ~~specific~~ ~~to~~ ~~the~~ ~~class~~ ~~of~~ ~~individuals~~ ~~described~~ ~~in~~ ~~subsection~~ ~~A~~ *for any Medicare supplement policy or certificate offered by the issuer that* [~~*exceeds*~~ *exceed*] *the premium rates charged for such plan to individuals who are 65 years of age* [~~*or older*~~] .

E. For purposes of this section, "creditable coverage" and "group health plan" have the same meanings ascribed to the terms in § 38.2-3431.