

~~DEPARTMENT OF REGULATORY AGENCIES~~

~~Division of Insurance~~

~~3 CCR 702-4~~

~~LIFE, ACCIDENT AND HEALTH~~

~~Proposed New Regulation 4-3-3~~

~~CONCERNING 2020 MEDICARE SUPPLEMENT POLICY CHANGES AND ESTABLISHING A SPECIAL ENROLLMENT PERIOD~~

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~~Section 1 — Authority~~

~~This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of § 10-1-109(1), C.R.S.~~

~~Section 2 — Scope and Purpose~~

~~The purpose of this regulation is to establish a special enrollment period for current Medicare supplement policyholders who may be impacted by the federal changes to Medicare that eliminate the ability of new beneficiaries to purchase certain Medicare supplement policies on and after January 1, 2020. Colorado consumers who are currently enrolled in a Medicare Supplement Policy Plan C, a Medicare Supplement Policy Plan F, or a high deductible Medicare Supplement Policy Plan F, may be impacted by the federal changes to the federal Medicare program that became effective on January 1, 2020.~~

~~Section 3 — Applicability~~

~~This regulation applies to all insurers who have sold Medicare Supplement Policy Plan C, Medicare Supplement Policy Plan F, or high deductible Medicare Supplement Policy Plan F in the state of Colorado; to all Colorado consumers who are currently enrolled in a Medicare Supplement Policy Plan C, a Medicare Supplement Policy Plan F, or a high deductible Medicare Supplement Policy Plan F; and to all insurers who are selling Medicare Supplement Policy Plan D, Medicare Supplement Policy Plan G, or high deductible Medicare Supplement Policy Plan G, in the state of Colorado between January 1, 2021 and June 30, 2021.~~

~~Section 4 — Definitions~~

- A. ~~“Insurer” means, for the purposes of the regulation, insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, or any other entity delivering or issuing for delivery Medicare supplement policies in the state of Colorado.~~
- B. ~~“Medicare supplement policy” means, for the purposes of this regulation, an individual policy of sickness and accident insurance or a subscriber contract of a hospital and medical service association or a health maintenance organization, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act (42 U.S.C. Section 1395 et seq.), or an issued policy under a demonstration project, specified in 42 U.S.C. Section 1395ss(g)(1), which is advertised, marketed, or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical, or surgical expenses of persons eligible for Medicare. “Medicare supplement policy” does not include Medicare Advantage plans established under Medicare Part C, outpatient prescription drug plans established under Medicare Part D, or any Health Care Prepayment Plan (HCPP) that provides benefits pursuant to an agreement under Section 1833(a)(1)(A) of the Social Security Act.~~

Section 5 — Special Enrollment Period

- A. ~~Individuals who are currently enrolled in a Medicare Supplement Policy Plan C, a Medicare Supplement Policy Plan F, or a high deductible Medicare Supplement Policy Plan F, are eligible for a special enrollment period established by this regulation to dis-enroll from their current policy and enroll in a new Medicare supplement policy without underwriting pursuant to Sections 5.C. and 5.D. Individuals may make one change to their policy during this special enrollment period. There is no requirement that individuals eligible for this special enrollment period utilize this special enrollment period.~~
- B. ~~This special enrollment period shall begin on January 1, 2021 and end on June 30, 2021.~~
- C. ~~Current policyholders of a Medicare Supplement Policy Plan C may utilize the special enrollment period to enroll in a Medicare Supplement Policy Plan D, without underwriting, with either their current insurer, or a different insurer.~~
- D. ~~Current policyholders of a Medicare Supplement Policy Plan F may utilize the special enrollment period to enroll in a Medicare Supplement Policy Plan G without underwriting, with either their current insurer, or a different insurer.~~
- E. ~~Current policyholders of a high deductible Medicare Supplement Policy Plan F may utilize the special enrollment period to enroll in a high deductible Medicare Supplement Policy Plan G without underwriting, with either their current insurer, or a different insurer.~~
- F. ~~This special enrollment period does not extend to individuals who become newly eligible for Medicare on or after January 1, 2020, or to individuals who are enrolled in Medicare supplement policies other than Plan C, Plan F, or the high deductible Plan F.~~
- G. ~~Insurers may require that policyholders provide proof of current enrollment in a Medicare Supplement Policy Plan C, Plan F, or a high deductible Plan F, prior to enrolling them in a new Medicare supplement policy through this special enrollment period.~~
- H. ~~Current policyholders of a Medicare Supplement Policy Plan C, Plan F, or a high deductible Plan F, who move to Colorado from another state during the special enrollment period are eligible for the special enrollment period established by this regulation and may use this special enrollment~~

~~period to enroll in a Colorado Medicare Supplement Policy Plan D, Plan G, or a high deductible Plan G.~~

- ~~I. Current policyholders who are eligible for the special enrollment period established by this regulation shall have a thirty (30) day free look period that begins on the day coverage under their new Medicare supplement policy plan begins. The free look period can be used by a consumer to determine if they want to continue coverage under their current policy, or permanently move to the new policy while paying premium for both policies during the free look period.~~
- ~~J. Insurers shall accept proof of current enrollment in a Medicare Supplement Policy Plan C, Plan F, or a high deductible Plan F, as proof of eligibility for this special enrollment period.~~
- ~~K. Insurers shall provide the notice found in Appendix A of this regulation to all policyholders currently enrolled in a Medicare Supplement Policy Plan C, Plan F, or a high deductible Plan F, no less than sixty (60) days prior to the start of the special enrollment period contained in this regulation.~~

~~Section 6 — Severability~~

~~If any provision of this regulation or the application of it to any person or circumstances is for any reason held to be invalid, the remainder of this regulation shall not be affected.~~

~~Section 7 — Enforcement~~

~~Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.~~

~~Section 8 — Effective Date~~

~~This regulation shall be effective February 1, 2020.~~

~~Section 9 — History~~

~~New regulation effective February 1, 2020.~~

~~This regulation shall be repealed effective December 30, 2025.~~

Appendix A: Insurer Notice of a Special Enrollment Period for Plan C and Plan F Policyholders

[Insurer Logo]

We would like to inform you that you are eligible for an upcoming special enrollment period that will be taking place from January 1, 2021, through June 30, 2021, as you currently have one of the following policies:

- Medicare Supplement Policy Plan C;
- Medicare Supplement Policy Plan F; or
- Medicare Supplement Policy High Deductible Plan F.

This special enrollment period allows you to make a one-time change to a different Medicare supplement policy if you would like to, as it may result in lower monthly premiums in the future.

You do not have to change plans if you do not want to. If you would like to change policies, you can choose a policy with us, or with another insurer who offers the plan you wish to move to.

If you have a Medicare Supplement Policy Plan C you can use this special enrollment period to move to a Medicare Supplement Policy Plan D.

If you have a Medicare Supplement Policy Plan F you can use this special enrollment period to move to a Medicare Supplement Policy Plan G.

If you have a high deductible Medicare Supplement Policy Plan F, you can use this special enrollment period to move to a high deductible Medicare Supplement Policy Plan G.

You are still entitled to a thirty (30) day free look period for your new policy if you decide to switch plans. However, you must pay premium on both policies until you decide to keep your new policy, or retain your current policy.

If you would like to change, please contact us, or the insurer you would like to switch to, and you will get help changing plans, but there is no need to change policies if you are happy with your current Medicare Supplement policy.

If you have any questions about this special enrollment period, how the changes to Medicare may affect your current plan, a potential premium impact from changing plans, or whether or not you should keep your plan, please contact a State Health Insurance Assistance Program (SHIP) counselor, your broker, or [Insurer Name] for more information.

[Insurer contact information]

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