

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Snyder

A Bill

SENATE BILL 540

For An Act To Be Entitled

"AN ACT TO PROVIDE OPEN ENROLLMENT FOR MEDICARE SUPPLEMENT
POLICIES FOR CERTAIN INDIVIDUALS UNDER AGE SIXTY-FIVE
(65); AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE OPEN ENROLLMENT FOR MEDICARE
SUPPLEMENT POLICIES FOR CERTAIN
INDIVIDUALS UNDER AGE SIXTY-FIVE (65)."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code 23-79-404 is amended by adding thereto the following subsections (g) through (i):

"(g) No issuer shall deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this state, nor discriminate in the pricing of such a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant where an application for such policy or certificate is submitted during the six (6) month period beginning with the first month in which an individual first enrolled for benefits under Medicare Part B.

(h) Prior to the adoption of this act, the regulations of the Insurance Commissioner (Rule 27, section 10) provided that the six (6) months open enrollment period was limited to individuals who were sixty-five (65) years of age or older. As a result, individuals under sixty-five (65) who were enrolled for benefits under Medicare Part B were not offered an opportunity to purchase a Medicare supplement policy as set forth in subsection (g) of this section. Any individual who was enrolled for benefits

1 under Medicare Part B, but who because of the individual_s age was not
2 offered an opportunity to purchase a Medicare supplement policy as set forth
3 in subsection (g) of this section, shall be allowed to apply for such policy
4 during the six (6) month period beginning with the effective date of this
5 act.

6 (i) Subsections (g) and (h) of this section shall not be construed as
7 preventing the exclusion of benefits under a policy, during the first six (6)
8 months, based on a preexisting condition for which the policyholder or
9 certificateholder received treatment or was otherwise diagnosed during the
10 six (6) months before it became effective."

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12 SECTION 2. All provisions of this act of a general and permanent
13 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
14 Code Revision Commission shall incorporate the same in the Code.

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16 SECTION 3. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 4. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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25 SECTION 5. EMERGENCY. It is hereby found and determined by the
26 General Assembly that regulations adopted by the Arkansas Insurance
27 Commissioner limit open enrollment for Medicare supplement policies to
28 individuals aged sixty-five (65) years or older; and that individuals under
29 the age of sixty-five (65) years who are enrolled for benefits under Medicare
30 Part B are not being offered an opportunity to purchase a Medicare supplement
31 insurance policy resulting in financial hardship and inadequate health care
32 for those individuals. Therefore, an emergency is hereby declared to exist
33 and this act being necessary for the immediate preservation of the public
34 peace, health and safety shall be in full force and effect from and after its
35 passage and approval.

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