

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding in Chapter 36 of Title 38.2 a section numbered 38.2-3611,*
3 *relating to Medicare supplement policies; annual open enrollment period.*

4 [S 1199]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That the Code of Virginia is amended by adding in Chapter 36 of Title 38.2 a section numbered**
8 **38.2-3611 as follows:**

9 **§ 38.2-3611. Annual open enrollment period.**

10 *A. An insurer, health services plan, or health maintenance organization issuing individual Medicare*
11 *supplement policies or certificates in the Commonwealth, including policies or certificates issued on an*
12 *individual basis through a non-employer group trust, plan, or association, shall offer to an individual*
13 *currently insured under any such policy or certificate an annual open enrollment period commencing on the*
14 *day of the individual's birthday and remaining open for at least 60 days thereafter, during which time the*
15 *individual may purchase any Medicare supplement policy made available by any insurer in the*
16 *Commonwealth that offers the same benefits as those provided by the current coverage. Innovative benefits,*
17 *as described in 42 U.S.C. § 1395ss(p)(4)(B), shall not be considered when determining whether a Medicare*
18 *supplement policy includes the same benefits as those provided by the previous coverage.*

19 *B. During the annual open enrollment period offered pursuant to this section, no insurer, health services*
20 *plan, or health maintenance organization shall deny or condition the issuance or effectiveness, or*
21 *discriminate in the price of coverage, of a Medicare supplement policy based on the health status, claims*
22 *history, receipt of health care, or medical condition of an individual currently insured under any such policy.*

23 *C. At least 15 days but not more than 30 days prior to the commencement of an annual open enrollment*
24 *period for an individual to whom the open enrollment period established by the provisions of this section*
25 *applies, the insurer, health services plan, or health maintenance organization issuing a Medicare supplement*
26 *policy or certificate shall notify each such individual of:*

- 27 1. *The dates on which the open enrollment period begins and ends;*
28 2. *The rights of the individual during the open enrollment period; and*
29 3. *Any modification of the benefits provided by the policy under which the individual is currently insured*
30 *or adjustment of the premiums charged for that policy.*

31 *D. As used in this section, "Medicare supplement policy" includes policies offered by public entities that*
32 *otherwise meet the requirements of this chapter.*

ENROLLED

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