



2023 ASSEMBLY BILL 404

September 6, 2023 - Introduced by Representatives SUBECK, JACOBSON, C. ANDERSON, J. ANDERSON, ANDRACA, BALDEH, BARE, CABRERA, CONLEY, DRAKE, JOERS, MOORE OMOKUNDE, OHNSTAD, ORTIZ-VELEZ, PALMERI, RATCLIFF, SHELTON, SNODGRASS, STUBBS and CLANCY, cosponsored by Senators SMITH, CARPENTER, ROYS, TAYLOR, HESSELBEIN, SPREITZER and LARSON. Referred to Committee on Insurance.

1 **AN ACT to create** 632.823 of the statutes; **relating to:** open period to select
2 medicare supplement policy.

Analysis by the Legislative Reference Bureau

This bill provides that an individual covered by an individual medicare supplement policy may cancel the policy and purchase a new policy with the same or lesser benefits during the 30-day period beginning on his or her birthday. Under the bill, if the individual elects to cancel the policy, the insurer must allow the individual to continue coverage under the policy until the first day of the second month following the month in which the cancellation occurs. The bill also provides that an insurer providing medicare supplement policies may not deny coverage under, condition the issuance of, or discriminate in the price of the replacement policy based on the health status, claims experience, receipt of health care, or medical condition of the individual.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 632.823 of the statutes is created to read:
4 **632.823 Annual replacement period for medicare supplement policies.**
5 **(1)** An individual enrolled under an individual medicare supplement policy may,

ASSEMBLY BILL 404**SECTION 1**

1 during the period beginning on the individual's birthday and ending on the 30th day
2 after the individual's birthday, cancel the policy and purchase another individual
3 medicare supplement policy with the same or lesser benefits.

4 (2) If an individual elects to purchase a replacement policy under sub. (1), the
5 insurer whose medicare supplement policy is to be canceled shall allow the
6 individual to maintain coverage under that policy until the first day of the 2nd month
7 following the month in which the policy is canceled.

8 (3) An insurer providing medicare supplement policies may not deny coverage
9 under, condition the issuance of, or discriminate in the premium of the replacement
10 policy on the basis of health status, claims experience, receipt of health care, or
11 medical condition of an individual who elects to purchase a replacement policy under
12 sub. (1).

13 **SECTION 2. Initial applicability.**

14 (1) This act first applies to an individual whose birthday occurs on the effective
15 date of this subsection.

16 **SECTION 3. Effective date.**

17 (1) This act takes effect on the first day of the 7th month beginning after
18 publication.

19 (END)