



2011 SENATE BILL 510

February 23, 2012 – Introduced by Senators LASSA, HOLPERIN, RISSER, CARPENTER, HANSEN and C. LARSON, cosponsored by Representatives WYNN, SPANBAUER, PASCH, TURNER and POCAN. Referred to Committee on Insurance and Housing.

- 1 **AN ACT** *to create* 227.01 (13) (mg) and 632.843 of the statutes; **relating to:**
2 special enrollment periods for Medicare supplement policies.

Analysis by the Legislative Reference Bureau

Generally, Medicare Part A provides coverage for inpatient care and Medicare Part B provides coverage for outpatient care. Generally, a person is eligible for Medicare when he or she reaches age 65 or if he or she is under age 65 and disabled. Medicare supplement policies are private insurance policies that may be purchased by persons who are enrolled in Medicare and that provide supplemental coverage to that provided under Medicare, such as coverage for additional services, for the portion of the cost of services not paid by Medicare, or for deductibles required under Medicare.

This bill creates two special enrollment periods under Medicare supplement policies. Under the bill, an insurer offering a Medicare supplement policy may not deny coverage under the policy on the basis of health status, claims experience, receipt of health care, medical condition, disability, or age to a person under age 65 who is eligible for Medicare Part B during the six-month period beginning on the first day of the month in which the person first enrolls in Medicare Part B. The bill also requires every insurer offering a Medicare supplement policy to provide a 30-day enrollment period during which no person who is covered under another Medicare supplement policy and no person who is under age 65 and enrolled in Medicare Part B may be denied coverage under the insurer's Medicare supplement policy on the basis of a preexisting condition. In addition, the insurer may not impose on any person who obtains coverage during the 30-day enrollment period any

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preexisting condition exclusion. The commissioner of insurance must specify the 30 days for this enrollment period.

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

1 **SECTION 1.** 227.01 (13) (mg) of the statutes is created to read:

2 227.01 (13) (mg) Specifies the annual enrollment period under s. 632.843 (3).

3 **SECTION 2.** 632.843 of the statutes is created to read:

4 **632.843 Special enrollment periods for Medicare supplement policies.**

5 **(1) DEFINITION.** In this section, “Medicare Part B” means Part B of Medicare under
6 42 USC 1395j to 1395L.

7 **(2) INITIAL 6-MONTH ENROLLMENT PERIOD.** (a) During the initial enrollment
8 period specified in par. (b), an insurer offering a Medicare supplement policy may not
9 deny coverage under the policy on the basis of any of the following to an individual
10 under the age of 65 who is eligible for Medicare Part B:

- 11 1. Health status.
- 12 2. Claims experience.
- 13 3. Receipt of health care.
- 14 4. Medical condition.
- 15 5. Disability.
- 16 6. Age.

17 (b) The initial enrollment period referred to in par. (a) for an individual
18 described in par. (a) shall begin on the first day of the month in which the individual
19 first enrolls in Medicare Part B and shall last for 6 months.

20 **(3) ANNUAL 30-DAY ENROLLMENT PERIOD.** (a) In this subsection, “preexisting
21 condition” includes a preexisting disability.

