

1 A bill to be entitled
 2 An act relating to Medicare supplement policies; amending
 3 s. 627.6741, F.S.; requiring that insurers issuing
 4 Medicare supplement policies in this state offer the
 5 opportunity to enroll in a Medicare supplement policy to
 6 certain individuals having a disability or end-stage renal
 7 disease; permitting insurers offering Medicare supplement
 8 policies to effect a one-time rate schedule change;
 9 authorizing insurers to propose a rate adjustment that
 10 considers the experience of policies or certificates for
 11 persons younger than 65 years of age; establishing
 12 credibility criteria for the rate adjustment; providing an
 13 effective date.

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 15 Be It Enacted by the Legislature of the State of Florida:

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 17 Section 1. Subsection (1) of section 627.6741, Florida
 18 Statutes, is amended to read:

19 627.6741 Issuance, cancellation, nonrenewal, and
 20 replacement.--

21 (1) (a) An insurer issuing Medicare supplement policies in
 22 this state shall offer the opportunity of enrolling in a
 23 Medicare supplement policy, without conditioning the issuance or
 24 effectiveness of the policy on, and without discriminating in
 25 the price of the policy based on, the medical or health status
 26 or receipt of health care by the individual:

27 1.(a) To any individual who is 65 years of age or older,
 28 or under 65 years of age and eligible for Medicare by reason of

CS/HB 675

2009

29 disability or end-stage renal disease, and who resides in this
30 state, upon the request of the individual during the 6-month
31 period beginning with the first month in which the individual
32 has attained 65 years of age and is enrolled in Medicare Part B,
33 or is eligible for Medicare by reason of a disability or end-
34 stage renal disease, and is enrolled in Medicare Part B; or

35 2.(b) To any individual who is 65 years of age or older,
36 or under 65 years of age and eligible for Medicare by reason of
37 a disability or end-stage renal disease, who ~~and~~ is enrolled in
38 Medicare Part B, and who resides in this state, upon the request
39 of the individual during the 2-month period following
40 termination of coverage under a group health insurance policy.

41 (b) The 6-month period to enroll in a Medicare supplement
42 policy for an individual who is under 65 years of age and is
43 eligible for Medicare by reason of disability or end-stage renal
44 disease and otherwise eligible under subparagraph (a)1. or
45 subparagraph (a)2. and first enrolled in Medicare Part B before
46 October 1, 2009, begins on October 1, 2009.

47 (c) A company that has offered Medicare supplement
48 policies to individuals under 65 years of age who are eligible
49 for Medicare by reason of disability or end-stage renal disease
50 before January 1, 2010, may, for one time only, effect a rate
51 schedule change that redefines the age bands of the premium
52 classes without activating the period of discontinuance required
53 by s. 627.410(6)(e)2.

54 (d) As a part of an insurer's rate filings, before and
55 including the insurer's first rate filing for a block of policy
56 forms in 2012, an insurer shall consider the experience of the

CS/HB 675

2009

57 policies or certificates for the premium classes, including
58 individuals under 65 years of age and eligible for Medicare by
59 reason of disability or end-stage renal disease, separately from
60 the balance of the block so as not to affect the other premium
61 classes. For filings in such time period only, credibility of
62 that experience shall be as follows: if a block of policy forms
63 has 1,250 or more policies or certificates in force in the age
64 band, including ages under 65 years of age, full or 100 percent
65 credibility shall be given to the experience; and if fewer than
66 250 policies or certificates are in force, no or zero percent
67 credibility shall be given. Linear interpolation shall be used
68 for in-force amounts between the low and high values. Florida-
69 only experience shall be used if it is 100 percent credible. If
70 Florida-only experience is not 100 percent credible, a
71 combination of Florida-only and nationwide experience shall be
72 used. If Florida-only experience is zero percent credible,
73 nationwide experience shall be used.

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75 A Medicare supplement policy issued to an individual under
76 subparagraph (a)1. or subparagraph (a)2. ~~paragraph (a) or~~
77 ~~paragraph (b)~~ may not exclude benefits based on a preexisting
78 condition if the individual has a continuous period of
79 creditable coverage, as defined in s. 627.6561(5), of at least 6
80 months as of the date of application for coverage.

81 Section 2. This act shall take effect October 1, 2009.