

CHAPTER 101  
FORMERLY  
SENATE BILL NO. 42  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE WITH RESPECT TO MEDICARE SUPPLEMENT INSURANCE.

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

Section 1. Amend Chapter 34, Title 18, of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 3410. ~~Penalties. (76 Del. Laws, c. 354, §1; 70 Del. Laws, c. 186, §1; transferred to §3409 of this title by 76 Del. Laws 354, §2, eff. June 30, 2011)~~ Coverage for persons eligible for Medicare due to disability.

(a) Each Medicare supplement policy or applicable certificate that an issuer currently, or at any time hereafter, makes available in this State shall be made available to any applicant under the age of sixty-five (65) who is eligible for Medicare due to a disability, including, without limitation, end-stage renal disease, provided that the applicant submits his or her application during the first six months immediately following such applicant's enrollment in Part B of Medicare or within six months after the effective date of this section, whichever is later. The issuance or effectiveness of any Medicare supplement policy pursuant to this section shall not be conditioned on, nor shall the price of the policy be discriminatory based upon, the medical or health status or receipt of health care by the applicant; and no insurer shall perform individual medical underwriting on any applicant in connection with the issuance of a policy pursuant to this section.

(b) Premium rates for Medicare supplement policies and certificates issued pursuant to this section may differ between persons who qualify for Medicare who are sixty-five (65) years of age or older and those who qualify for Medicare by reason of disability or end-stage renal disease and who are younger than sixty-five (65) years of age. For those Medicare supplement policies and certificates that are issued to persons who are younger than sixty-five (65) years of age and who qualify for Medicare by reason of disability or end-stage renal disease, insurers shall establish two separate rating pools for such persons, one pool specifically for end-stage renal disease and a separate pool for all other disabilities. For purposes of this section, any differences in premium rates shall be pursuant to rate schedules that are based on sound actuarial principles and shall be reasonable in relation to the benefits provided.

(c) Medicare supplement policies issued pursuant to this section shall be separately underwritten from other Medicare supplement policies, and risks assumed by issuers pursuant to subsection (a) shall not be subsidized by purchasers of Medicare supplement policies that were not issued pursuant to subsection (a).

Section 3. This law shall apply to all individual and group Medicare supplement contracts issued or renewed on or after January 1, 2014.

Approved July 15, 2013