

LAWS OF DELAWARE
VOLUME 84
CHAPTER 279
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 281
AS AMENDED BY
HOUSE AMENDMENT NO. 3
AND
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE HEALTH CARE INSURANCE.

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

Section 1. Amend § 5202, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5202. Payment of premium or subscription charge.

(d) For the purposes of this chapter, eligible employees who were each first employed as a regular officer or employee by the State on or before December 31, 2011, ~~a husband and wife~~ and legally married on or before December 31, 2011, may each qualify as a regular officer, ~~employee~~ employee, or eligible pensioner of the State. In the case where 2 members of a family qualify, the ~~following~~ options are ~~set forth~~: as follows:

(4) Effective July 1, 2012, to December 31, 2017, if the 2 employees enroll under an employee and spouse or family contract, there shall be a \$25 per month charge to the employee who enrolls for the coverage. If the employees choose to enroll in separate plans, employee only and employee and children contracts, either the employee cost share premium or a \$25 per month charge shall apply to both contracts, whichever is less. If employee and spouse are eligible pensioners where 1 or both retire on or after July 1, 2012, and before July 1, 2017, only 1 \$25 per month charge shall apply when separate contracts are required for a Medicare ~~Advantage~~ Supplement Plan.

(5) Effective January 1, 2018, if the 2 employees or non-Medicare pensioners enroll under an employee and spouse or family contract, the employee or non-Medicare pensioner who enrolls for the coverage shall be charged ~~50 percent~~ 50% of the employee or non-Medicare pensioner cost share premium per month, or \$25 per month, whichever is greater. If the employees or non-Medicare pensioners choose to enroll in separate plans, employee only and employee and children contracts, each employee or non-Medicare pensioner shall be charged ~~50 percent~~ 50% of the employee or non-Medicare cost share premium per month, or \$25 per month, whichever is greater for the plans chosen.

a. If both spouses are eligible pensioners and 1 is not yet Medicare eligible, the non-Medicare pensioner will enroll under a pensioner only or pensioner and children contract and the Medicare pensioner will enroll in the Medicare ~~Advantage~~ Supplement Plan. The non-Medicare pensioner shall be charged ~~50 percent~~ 50% of the cost share premium, or \$25 per month, whichever is greater.

b. If 1 spouse is a regular officer or employee and 1 spouse is a Medicare eligible pensioner, the regular officer or employee who enrolls for employee and spouse or family coverage shall be charged ~~50 percent~~ 50% of the employee cost share premium. If the employee and Medicare eligible spouse choose to enroll in separate plans, each employee and Medicare eligible pensioner shall be charged ~~50 percent~~ 50% of the employee and Medicare ~~Advantage~~ Supplement Plan cost share premium per month, or \$25 per month, whichever is greater for the plans chosen.

c. If both spouses are Medicare eligible and 1 or both retired on or after July 1, 2017, only ~~1-50 percent pensioner only,~~ one 50% cost share premium or \$25 per ~~month premium,~~ month, whichever is greater, shall apply when separate contracts are required for a Medicare ~~Advantage~~ Supplement Plan.

d. If both spouses are Medicare eligible and both retired after July 1, 2012, and before July 1, 2017, each Medicare eligible pensioner shall be charged \$25 per month premium when separate contracts are required for a Medicare Advantage Supplement Plan.

Section 2. Amend § 5203, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5203. Specifications of the coverage.

(b)(1) The plan shall be for ~~regular~~ all of the following:

a. Regular employees and eligible pensioners under 65 years of age ~~and for employees age~~.

b. Employees and eligible pensioners over 65 years of age or over who are not entitled to services, ~~rights~~ rights, or benefits under the federal Medicare ~~Program (U.S. Public Law 89-97, as amended) [42 U.S.C. § 1395 et seq.]; Program, 42 U.S.C. § 1395 et seq. and a~~

c. A plan which is supplemental to Medicare parts A and B, or constructed as a plan under Medicare part C, B for eligible pensioners entitled to services, ~~rights~~ rights, or benefits under the federal Medicare Program.

(2) In addition to a plan under paragraph (b)(1)c. of this section, the coverage may include a plan under Medicare part C for eligible pensioners entitled to services, rights, or benefits under the federal Medicare Program if all of the following apply to the plan:

a. The plan is only for eligible pensioners first employed on or after January 1, 2025.

b. Each eligible pensioner can choose whether to enroll in a plan under paragraph (b)(1)c. of this section or the plan under this paragraph (b)(2).

Section 3. This Act is known as "The Delaware Medicare Supplement Selection Act".

Became law without the Governor's signature June 26, 2024