



## **Bulletin 2023-2**

### **Issued June 28, 2023**

### **Effective June 28, 2023**

# **Public Health Emergency Unwinding- Medicare Supplement Guaranteed Issue Rights**

### **Introduction**

The Families First Coronavirus Response Act (FFCRA) provision which required states to provide continuous coverage for Medicaid enrollees until the end of the month in which the Public Health Emergency (PHE) ends was legislatively decoupled from the end of the PHE and expired on March 31, 2023. Accordingly, beginning April 1, 2023, states began resuming Medicaid redeterminations.

While not all individuals who enrolled in Medicare Part B while on Medicaid during the PHE will wish to sign up for a Medicare Supplement plan, if these individuals do wish to enroll in a Medicare Supplement, they are at risk of being subjected to higher premiums, pre-existing condition exclusions, and/or denied coverage due to missing their initial Medicare Supplement Guaranteed Issue Open Enrollment period provided in 230-RICR-20-30-7.14(A).<sup>1</sup>

As such, OHIC is issuing this bulletin to instruct all health insurers writing Medicare Supplement business in Rhode Island to offer guaranteed issue rights to all eligible Medicare Supplement applicants who have missed their initial open enrollment period as a result of their continued enrollment in Medicaid during the PHE and who can show verification of loss of Medicaid eligibility due to the unwinding of the PHE.

This Guaranteed Issue period shall comply with the requirements of 230-RICR-20-30-7.15(A)(2), which state:

*With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in § 7.15(E) of this Part that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.*

### **Medicare Supplement (Medigap) Special Enrollment:**

To ensure Rhode Island seniors have access to an affordable Medicare Supplement plan, the Health Insurance Commissioner directs all health insurers writing Medicare Supplement business in Rhode Island to offer a guaranteed issue Medicare Supplement plan to all applicants who have exhausted their

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<sup>1</sup> [Medicare Supplement Insurance Minimum Standards Regulation](#)

open enrollment period as a result of their continued enrollment in Medicaid during the PHE, and who can show verification of Medicaid eligibility change. Health insurers shall permit applicants to enroll in a Medicare Supplement plan with a guaranteed issue period, as outlined above, for 63 days starting on the date that the individual receives notice of a Medicaid eligibility change. During the 63 day open enrollment period as outlined above, insurers shall not deny or condition the issuance or effectiveness of a Medicare Supplement policy, shall not discriminate in the pricing of such a Medicare Supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare Supplement policy, in compliance with 230-RICR-20-30-7.15(B)(2).

For any eligible applicants who received a notice prior to the issuance of this bulletin terminating their Medicaid coverage effective on or after April 1, 2023, the Health Insurance Commissioner directs all health insurers writing Medicare Supplement business in Rhode Island to offer a guaranteed issue period of 63 days, compliant with 230-RICR-20-30-7.15(B)(2), beginning on the effective date of this bulletin.

## Conclusion

For questions related to insurance and consumer assistance please contact OHIC's Consumer Assistance Program- RIPIN at 401-270-0101 or <https://ripin.org>.

For assistance and education with enrolling into a Medicare Supplement (Medigap) plan, please contact Rhode Island's Senior Health Insurance Program (SHIP) at 1-888-884-8721 or by visiting <https://oha.ri.gov/Medicare>.

Any questions from Medicare Supplement health insurers related to this bulletin should be directed to Courtney Miner at [Courtney.Miner@ohic.ri.gov](mailto:Courtney.Miner@ohic.ri.gov).

This bulletin shall take effect on June 28, 2023

Dated at Cranston, Rhode Island this 28th day of June 2023.

A handwritten signature in blue ink that reads "Cory B. King". The signature is written in a cursive style with a small mark above the 'C'.

Cory King  
Acting Health Insurance Commissioner