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AN ACT  
RELATING TO HEALTH INSURANCE; REQUIRING ISSUERS OF MEDICARE  
SUPPLEMENT POLICIES TO PROVIDE OPEN ENROLLMENT PERIODS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 59A-24A-3 NMSA 1978 (being Laws 1989,  
Chapter 28, Section 3, as amended) is amended to read:

"59A-24A-3. DEFINITIONS.--As used in the Medicare  
Supplement Act:

A. "applicant" means:

(1) in the case of an individual medicare  
supplement policy, the person who seeks to contract for  
insurance benefits; or

(2) in the case of a group medicare  
supplement policy, the proposed certificate holder;

B. "certificate" means any certificate delivered or  
issued for delivery in this state under a group medicare  
supplement policy;

C. "certificate form" means the document on which a  
certificate is delivered or issued for delivery;

D. "eligible policyholder" means a beneficiary of  
medicare coverage provided pursuant to part A or part B of  
Title 18 of the federal Social Security Act, as amended, who is  
sixty-five years of age or older and insured under a medicare  
supplement policy;

1           E. "issuer" means insurance companies, fraternal  
2 benefit societies, nonprofit health care plans, health  
3 maintenance organizations and any other entities that deliver  
4 or issue for delivery in this state medicare supplement  
5 policies or certificates;

6           F. "medicare" means the federal Health Insurance  
7 for the Aged Act, Title XVIII of the Social Security Amendments  
8 of 1965, as then constituted or later amended;

9           G. "medicare supplement policy" means:

10                   (1) a group policy as defined in Chapter 59A,  
11 Article 23 NMSA 1978;

12                   (2) an individual policy as defined in  
13 Chapter 59A, Article 22 NMSA 1978; or

14                   (3) a group or individual certificate issued  
15 pursuant to the Nonprofit Health Care Plan Law or the Health  
16 Maintenance Organization Law that is advertised, marketed or  
17 designed as a supplement to reimbursements under medicare for  
18 the hospital, medical or surgical expenses of persons eligible  
19 for medicare;

20           H. "policy form" means the document on which a  
21 policy is delivered or issued for delivery by the issuer; and

22           I. "superintendent" means the superintendent of  
23 insurance."

24           SECTION 2. A new section of the Medicare Supplement Act  
25 is enacted to read:

1 "ANNUAL OPEN ENROLLMENT.--

2 A. Every issuer participating in the market for  
3 medicare supplement policies shall offer an annual open  
4 enrollment period to all eligible policyholders. Each eligible  
5 policyholder's open enrollment period shall commence with the  
6 first day of the eligible policyholder's birthday month and  
7 remain open for at least sixty days thereafter. During the  
8 open enrollment period:

9 (1) each eligible policyholder may purchase  
10 any medicare supplement policy of an equal or lesser value to  
11 the eligible policyholder's current medicare supplement policy  
12 offered in this state; and

13 (2) an issuer shall:

14 (a) guarantee the issuance of any  
15 medicare supplement policy offered in this state; and

16 (b) not deny, delay or condition the  
17 issuance or effectiveness, or discriminate in the price of  
18 coverage, of a medicare supplement policy based on the health  
19 status, claims, experience, receipt of health care or medical  
20 condition of an eligible policyholder.

21 B. A medicare supplement policy obtained by an  
22 eligible policyholder pursuant to Subsection A of this section  
23 shall not have any coverage exclusions related to preexisting  
24 conditions that would have been covered under the eligible  
25 policyholder's previous medicare supplement policy.

1 C. At least thirty days before the beginning of an  
2 eligible policyholder's open enrollment period, but not more  
3 than sixty days before the beginning of the open enrollment  
4 period, the issuer of an eligible policyholder's medicare  
5 supplement policy shall notify the eligible policyholder of:

6 (1) the dates on which the open enrollment  
7 period begins and ends;

8 (2) the rights provided to the eligible  
9 policyholder by this section; and

10 (3) any modifications to the medicare  
11 supplement policy currently held by the eligible policyholder  
12 or any adjustments to the premiums charged for that policy.

13 D. The form and content of the notification  
14 required pursuant to Subsection C of this section shall be  
15 filed with and approved by the superintendent prior to  
16 distribution to eligible policyholders."

17 SECTION 3. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is January 1, 2027. \_\_\_\_\_