

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 10. LIFE, ACCIDENT AND HEALTH**

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Minimum Standards; Contract Guidelines

Part 13. Medicare Supplement Insurance Minimum Standards

365:10-5-129.2. Special enrollment period for Medicare supplement policies [NEW]

AUTHORITY:

Insurance Commissioner; 36 O.S. §§ 307.1, 1541, 1641, 6123, 6958-6968; 59 O.S. § 358

ADOPTION:

March 3, 2023

EFFECTIVE:

Immediately upon Governor's approval.

EXPIRATION:

Effective through September 14, 2024, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Due to the Federal COVID-19 Public Health Emergency ending and the unwinding of SoonerCare/Medicaid across Oklahoma, consumers require a special enrollment period to ensure they are able to gain access to Medicare supplement policies once their eligibility of other coverage ends.

GIST/ANALYSIS:

The proposed emergency rule allows the state to offer a special enrollment period for Medicare supplement policies in conjunction with the Federal COVID-19 Public Health Emergency ending and ending of SoonerCare/Medicaid coverage through the unwinding of Medicaid.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(F):

**SUBCHAPTER 5. MINIMUM STANDARDS; CONTRACT GUIDELINES
PART 13. MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS**

365:10-5-129.2. Special enrollment period for Medicare supplement policies

(a) An issuer of Medicare supplement policies in this State shall issue any Medicare supplement policy the carrier sells in this State to an individual eligible for Medicare if the individual:

(1) Is enrolled in SoonerCare (Oklahoma Medicaid) and remained enrolled in SoonerCare due to a suspension of terminations by the Oklahoma Health Care Authority during the COVID-19 Public Health Emergency;

(2) Enrolled in Medicare Parts A and B within six (6) months of the later date of termination or disenrollment of SoonerCare benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or disenrollment); or the date that the SoonerCare benefits terminate or cease;

(3) Applies for a Medicare supplement policy during the 63-day period following the date of enrollment in Medicare Part B;

(4) Submits evidence of the date of termination or disenrollment from SoonerCare with the application for a Medicare supplement policy.

(b) With respect to applicants of a Medicare supplement policy under Section (a), an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy that is offered and available for sale in this State, nor 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 any exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.