

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 64

Introduced by Fredrickson, 20.

Read first time January 09, 2025

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to amend section 44-3614,
- 2 Revised Statutes Cumulative Supplement, 2024; to change eligibility
- 3 requirements for medicare supplement policies; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 44-3614, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 44-3614 (1)(a) (1) An issuer that makes a medicare supplement policy
4 or certificate available to an individual who is sixty-five years of age
5 and eligible for medicare benefits as described in 42 U.S.C. 1395c(1), as
6 such section existed on January 1, 2025 2024, shall make at least one
7 medicare supplement policy or certificate that meets the requirements of
8 the Medicare Supplement Insurance Minimum Standards Act, available to an
9 individual who is under sixty-five years of age and eligible for and
10 enrolled in medicare by reason of disability as described in 42 U.S.C.
11 1395c(2) and 42 U.S.C. 1395c(3), as such section existed on January 1,
12 2025 2024.

13 (b) Beginning January 1, 2026, applicants shall have an annual
14 thirty-day open enrollment period that begins on the date of the
15 applicant's birthday. During the open enrollment period, an issuer shall
16 be prohibited from:

17 (i) Denying or conditioning the issuance or effectiveness of any
18 medicare supplement policy or certificate that the issuer offers and that
19 is available for issuance in the state; (ii) subjecting an applicant to
20 medical underwriting or discriminating in the pricing of a medicare
21 supplement policy or certificate because of the applicant's health
22 status, claims experience, receipt of health care, or medical condition;
23 and (iii) imposing an exclusion of benefits based on an applicant's
24 preexisting condition.

25 (c) An issuer shall provide notice, in a form prescribed by the
26 commissioner of insurance, of the annual open enrollment period at the
27 time an applicant applies for a medicare supplement policy or
28 certificate.

29 (2) Premium rates for medicare supplement insurance policies or
30 certificates may differ between an individual who qualifies for medicare
31 who is sixty-five years of age or older and an individual who qualifies

1 for medicare by reason of disability and who is under sixty-five years of
2 age. Such differences in premiums shall not be excessive, inadequate, or
3 unfairly discriminatory and shall be based on sound actuarial principles
4 and be reasonable in relation to the benefits provided. The premium for
5 an individual who is under sixty-five years of age shall not exceed one
6 hundred fifty percent of the premium for a similarly situated individual
7 who is sixty-five years of age.

8 (3) An individual who is under sixty-five years of age and is
9 eligible for a medicare supplement policy or certificate by reason of
10 disability as described in subsection (1) of this section shall be
11 subject to the same open enrollment rules applicable to an individual who
12 is sixty-five years of age and eligible for a medicare supplement policy
13 or certificate as described in subsection (1) of this section beginning
14 on the first day of the first month that the individual turns sixty-five
15 years of age.

16 **Sec. 2.** Original section 44-3614, Revised Statutes Cumulative
17 Supplement, 2024, is repealed.