

Editor’s Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Regulations for the Control of Ionizing Radiation (1994) Supplement 33 has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 50:1 Md. R. 7 (January 13, 2023), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.01 Incorporation by Reference.**

All provisions of the “Regulations for the Control of Ionizing Radiation (1994)” as amended by Supplement 1 through Supplement [32] 33 are incorporated by reference.

SERENA MCILWAIN  
Secretary of the Environment

**Title 31**  
**MARYLAND INSURANCE**  
**ADMINISTRATION**  
**Subtitle 10 HEALTH INSURANCE—**  
**GENERAL**

**31.10.06 Standards for Medicare Supplement Policies**

Authority: Health-General Article, §§19-705 and 19-706; Insurance Article, §§2-109 and 8-403(b), Title 15, Subtitle 9, and Title 27; Annotated Code of Maryland

**Notice of Proposed Action**  
[23-059-P]

The Insurance Commissioner proposes to amend Regulation .06 under **COMAR 31.10.06 Standards for Medicare Supplement Policies.**

**Statement of Purpose**

The purpose of this action is to amend COMAR 31.10.06.06 based on the changes made during the 2022 legislative session. Specifically, Ch. 680 (H.B. 247), Acts of 2022, added Insurance Article, §15–909(b)(6), Annotated Code of Maryland, which creates an annual open enrollment period for the 30 days following a Medicare supplement policyholder’s birthday. During this enrollment period, a Medicare supplement policyholder may switch to a plan that has “equal or lesser” benefits without being subject to underwriting. Section 15–909(b)(6)(iii)(1) defines equal or lesser benefits, and §15–909(b)(6)(iii)(2) requires the Commissioner to adopt regulations establishing a matrix for identifying which Medicare supplement policies have equal or lesser benefits. This action establishes that matrix.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jessica Blackmon, Law Clerk, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2019, or email to [insuranceregreview.mia@maryland.gov](mailto:insuranceregreview.mia@maryland.gov). Comments will be accepted through June 5, 2023. A public hearing has not been scheduled.

**.06 Open Enrollment.**

A. [Individuals 65 Years Old or Older and Enrolled in Medicare Part B.] *Period of Open Enrollment.*

(1) An issuer may not deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this State, nor discriminate in the pricing of the policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant when [an]:

(a) An application for the policy or certificate is submitted during the 6-month period beginning with the first day of the first month in which an individual is both 65 years old or older and is enrolled for benefits under Medicare Part B; or

(b) An application for the policy or certificate is submitted on or up to 30 days after the birthday of an individual enrolled in a Medicare supplement policy or certificate.

(2) Each Medicare supplement policy and certificate currently available from an issuer shall be made available to all applicants who qualify under [§A(1)] §A(1)(a) of this regulation without regard to age.

(3) Subject to Regulation .31A of this chapter, an insurer shall make available to applicants who qualify under §A(1)(b) of this regulation Medicare supplement policies or certificates with benefits that are equal to or less than the benefits of the applicant’s existing Medicare supplement policy or certificate. For the purpose of this regulation, “benefits that are equal to or less than the benefits of the applicant’s existing Medicare supplement policy or certificate” means a policy or certificate of the same or lower benefit level as indicated in the below chart:

| Existing Plan                 | Lesser or Equal Plan   |
|-------------------------------|--|
| Plan A                        | Plan A   |
| Plan B                        | Plan A or B  |
| Plan C                        | Plan A, B, C, D, K, L, M, or N   |
| Plan D                        | Plan A, B, D, K, L, M, or N  |
| Plan E                        | Plan A, B, D, K, L, M, or N  |
| Plan F                        | Plan A, B, C, D, F, F with a high deductible, G, G with a high deductible, K, L, M, or N |
| Plan F with a high deductible | Plan F with a high deductible or G with a high deductible                                |
| Plan G                        | Plan A, B, D, G, K, L, M, N, F with a high deductible, or G with a high deductible       |
| Plan G with a high deductible | Plan G with a high deductible  |
| Plan H                        | Plan A, B, D, K, L, M, or N  |
| Plan I                        | Plan A, B, D, G, K, L, M, or N   |
| Plan J                        | Plan A, B, C, D, F, F with a high deductible, G, G with a high deductible, K, L, M, or N |
| Plan J with a high deductible | Plan F with a high deductible or G with a high deductible                                |
| Plan K                        | Plan K   |
| Plan L                        | Plan K or L  |
| Plan M                        | Plan M or N  |
| Plan N                        | Plan N   |

B.—D. (text unchanged)

KATHLEEN A. BIRRANE  
Insurance Commissioner