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## **Resolve, Directing the Bureau of Insurance To Amend Its Rules Pertaining to Medicare Advantage Plans**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** state law and rules adopted by the Department of Professional and Financial Regulation, Bureau of Insurance allow those residents of the State covered under Medicare Advantage plans to have more than one year to move from a Medicare Advantage plan to traditional Medicare coverage and enroll in a Medicare supplement plan without affecting their continuity of coverage; and

**Whereas,** recent interpretations under federal regulations appear to limit the ability of a Medicare beneficiary to move from one Medicare Advantage plan to another Medicare Advantage plan without losing continuity of coverage; and

**Whereas,** this resolve directs the Bureau of Insurance to amend its rules to clarify that a Medicare beneficiary who is enrolled in a Medicare Advantage plan has the right to enroll in another Medicare Advantage plan offered by the same insurer or a different insurer without affecting the Medicare beneficiary's continuity of coverage; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1 Bureau of Insurance to amend eligibility rules for Medicare Advantage plans. Resolved:** That the Department of Professional and Financial Regulation, Bureau of Insurance shall amend Bureau of Insurance Rule Chapter 275 to clarify that a Medicare beneficiary who is enrolled in a Medicare Advantage plan has the right to enroll in another Medicare Advantage plan offered by the same insurer or a different insurer for a period of 3 years without affecting the Medicare beneficiary's continuity of coverage. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

### **SUMMARY**

This resolve directs the Department of Professional and Financial Regulation, Bureau of Insurance to amend its rules to clarify that a Medicare beneficiary who is enrolled in a Medicare Advantage plan may enroll in another Medicare Advantage plan with the same insurer or a different insurer for a period of 3 years without affecting the Medicare beneficiary's continuity of coverage.