

DEPARTMENT OF INSURANCE AND SECURITIES REGULATION

NOTICE OF EMERGENCY AND PROPOSED REGULATIONS

The Commissioner of Insurance and Securities Regulation ("Commissioner"), pursuant to the authority set forth in sections 4, 5, 6, 9 and 11 of the Medicare Supplement Insurance Minimum Standards Act of 1992, effective July 22, 1992 (D.C. Law 9-170, D.C. Official Code §§ 31-3703, 31-3704, 31-3705, 31-3708 and 31-3710) (2001), and Mayor's Order 93-60, dated May 12, 1993, hereby gives notice of the adoption of an amendment to Chapter 22 (Medicare Supplement Insurance Minimum Standards) of Title 26 of the District of Columbia Municipal Regulation (DCMR) (Insurance).

The emergency action is necessary to ensure that the District's regulations regarding minimum standards for Medicare supplement insurance conform to the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 ("BIPA"), enacted in § 1 (a) of the Fiscal Year 2001 Consolidated Appropriations Act, approved December 21, 2000 (Pub. L. 106-554; 114 Stat. 2763). Without this emergency action, the District of Columbia will not maintain certification of its regulatory programs, thereby resulting in an adverse effect on the health, safety and welfare of residents of the District of Columbia.

When the Medicare Supplement Insurance Minimum Standards rules were last promulgated in final on May 30, 2003, a clerical error was made in Section 2209.6 (c). This amendment corrects the error.

These emergency rules were adopted on November 12, 2003, to take effect on that date. The emergency rules will expire 120 days from the date of effectiveness or upon publication of a Notice of Final Rulemaking in the D.C. Register, whichever occurs first. The Commissioner also gives notice of his intent to adopt these proposed rules in not less than thirty (30) days from the date of publication of this notice in the D.C. Register, or upon their approval by the Council pursuant to section 11(a) of the Act, D.C. Official Code § 31-3710(a), whichever occurs later.

26 DCMR, Chapter 22 (Medicare Supplement Insurance Minimum Standards) subsection 2209.6 is amended to read as follows:

Chapter 22 MEDICARE SUPPLEMENT INSURANCE MINIMUM STANDARDS

2209.6 Guaranteed issue time periods shall be as follows:

- (a) In the case of an individual described in subsection 2209.3(b), the guaranteed issue period begins on the date the individual receives a notice of termination or cessation of all supplemental health benefits (or, if a notice is not received, notice that a claim has been denied because of such a termination or cessation) and ends sixty-three (63) days after the date of the applicable notice;

- (b) In the case of an individual described in subsection 2209.3(b), 2209.3(c) 2209.3(e) or 2209.3(f) whose enrollment is terminated involuntarily, the guaranteed issue period begins on the date that the individual receives a notice of termination and ends sixty-three (63) days after the date the applicable coverage is terminated;
- (c) In the case of an individual described in subsection 2209.3(d), the guaranteed issue period begins on the earlier of: (i) the date that the individual receives a notice of termination, a notice of the issuers' bankruptcy or insolvency, or other such similar notice if any, and (ii) the date that the applicable coverage is terminated, and ends on the date that is sixty-three (63) days after the date the coverage is terminated;
- (d) In the case of an individual described in subsections 2209.3(b), 2209.3(d)(2), 2209.3(d)(3), 2209.3(e), 2209.3(f) who disenrolls voluntarily, the guaranteed issue period begins on the date that is sixty (60) days before the effective date of the disenrollment and ends on the date that is sixty-three (63) days after the effective date; and
- (e) In the case of an individual described in subsection 2209.3 but not described in the preceding provisions of this subsection, the guaranteed issue period begins on the effective date of disenrollment and ends on the date that is sixty-three (63) days after the effective date.

Persons desiring to comment on these proposed and emergency rules should submit comments in writing to Mrs. Leslie E. Johnson, Hearing Officer, Department of Insurance and Securities Regulation, 810 First St., N.E., Suite 701, Washington, D.C. 20002. Comments must be received not later than thirty (30) days after the date of publication of this notice in the D.C. Register.