

Title 210 -- NEBRASKA DEPARTMENT OF INSURANCE

**Chapter 36 -- REGULATION TO IMPLEMENT THE MEDICARE SUPPLEMENT
INSURANCE MINIMUM STANDARDS ACT**

001. The Department of Insurance (Department) hereby adopts the National Association of Insurance Commissioners (NAIC) model regulation, titled “Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act” (hereinafter “model”), adopted by the NAIC on August 29, 2016 (as published in the 1st quarter of 2018 by the NAIC Model Regulation Service) and as recognized in the Federal Register on September 1, 2017 with the following notes, exceptions and additions:

001.01 This regulation is adopted pursuant to the authority vested in the Director under Neb. Rev. Stat. §§ 44-3601 through 44-3610, specifically § 44-3609.

001.02 For purposes of the insertion of relevant dates of adoption that are bracketed throughout the model, the Department has previously approved standards for “Pre-Standardized Medicare Supplement Benefit Plans,” “Pre-Standardized Benefit Plan,” and “Pre-Standardized plan” that were issued prior to June 1, 1992. It also previously approved the standards for “1990 Standardized Medicare supplement benefit plan,” “1990 Standardized benefit plan” or “1990 plan” that were issued on or after June 1, 1992 but before June 1, 2010. This approval also included Medicare supplement insurance policies and certificates renewed on or after that date which are not replaced by the issuer at the request of the insured. The Department also approved standards for “2010 Standardized Medicare supplement benefit plan,” “2010 Standardized benefit plan” or “2010 plan” for an effective date for coverage on or after June 1, 2010. Those standards remain in effect and are incorporated by reference in this regulation via the NAIC model.

001.03 In Section 8A(7)(c) of the model, the last sentence is amended to read “If suspension occurs and if the policyholder or certificate holder loses coverage under the group

health plan, the policy shall automatically re-instituted (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within ninety (90) days after the date of the loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.”

001.04 In Section 8.1 of the model, the last sentence of the introductory paragraph is amended to read as follows: “Benefit standards applicable to Medicare supplement policies and certificates issued with an effective date for coverage prior to June 1, 2010 remain subject to the requirements of this regulation as it existed before June 1, 2010.”

001.05 In Section 12B(1) of the model, the paragraph is amended to read as follows: “The individual is enrolled under an employee welfare plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual; or an individual is enrolled, due to current employment, under an employee welfare benefit plan that pays benefits secondary to Medicare, and the individual loses eligibility for coverage under the plan.

001.06 Additionally, when a policy or certificate is delivered by an agent, a receipt of delivery of the policy or certificate, shall be signed by the agent and applicant, at the time of delivery of the policy, if hand delivered. A copy of the delivery receipt will be provided to the applicant and a copy retained by the agent.

002 The Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act” can be found on the Nebraska Department of Insurance’s website at:

<https://doi.nebraska.gov/insurers/legal-issues>

Additionally, the Model Regulation is available for inspection at the offices of the Department of Insurance.