


BULLETIN 2023-2

TO: Insurance Carriers Offering Medicare Supplement Insurance Policies

FROM: Jon Godfread, Commissioner 

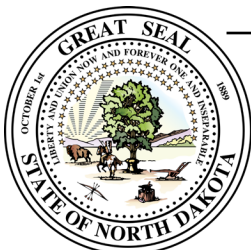
DATE: June 6, 2023

SUBJECT: Medicaid Enrollment Changes during the Public Health
Emergency and Medicare Supplement Guaranteed Issue
Eligibility

The Insurance Department issues this Bulletin to direct all health insurers writing Medicare supplement business in North Dakota to offer a guaranteed issue on a Medicare supplement plan to all applicants who have exhausted their Medicare supplement open enrollment period and who show verification of a North Dakota Medicaid eligibility change.

Pursuant to North Dakota Administrative Code 45-06-01.1-09 and 45-06-01.1-09.1, persons turning 65 who are enrolled in Medicare Part B receive a Medicare supplement “open enrollment” and “guaranteed issue” period of six months wherein carriers must offer a policy to applicants and cannot discriminate in the pricing of Medicare supplement policies due to the health status of the applicant. Medicaid members, however, are not able to purchase Medicare supplement plans because, under federal law, carriers are prohibited from selling Medicare supplement policies to individuals on Medicaid. See 42 U.S.C. § 1395ss(d)(3)(B)(iii). During the PHE, many Medicaid members who turned 65 and were enrolled in Medicare Part B have exhausted their six-month Medicare supplement open enrollment period.

To ensure low-income North Dakotan seniors have access to an affordable Medicare supplement plan, the Commissioner directs all health insurers writing Medicare supplement business in North Dakota to offer a guaranteed issue Medicare supplement plan to all applicants who have exhausted their open enrollment period as a result of their continued enrollment in Medicaid and who can show verification of a North Dakota Medicaid eligibility change. Carriers should treat applicants as “eligible



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persons” pursuant to North Dakota Administrative Code 45-06-01.1-09.1 and permit applicants to enroll in a Medicare supplement plan with a guaranteed issue period of 63 days starting on the date of a Medicaid eligibility change.

This Bulletin remains in effect until March 31, 2024. The Commissioner encourages carriers and applicants to contact North Dakota’s Senior Health Insurance Program (“SHIP”) with questions. SHIP assistance is available at: NDSHIC@nd.gov or 1-888-575-6611.