

RESOLUTION

Subject: Medicare Supplement Plans and Pre-existing Conditions
 Submitted by: Eugene Shively, M.D.
 Referred to: Reference Committee

WHEREAS, insurance companies in Kentucky can refuse to sell Medicare supplement (Medigap) policies to seniors, or charge them more, because of pre-existing conditions; and

WHEREAS, when a person first turns 65, federal regulations protect against such discrimination, but if a person has been in a Medicare Advantage plan and later chooses to return to traditional Medicare, that protection no longer exists¹; and

WHEREAS, there are four states in the United States where there is protection against discrimination for pre-existing conditions under these circumstances; and

WHEREAS, such discrimination for pre-existing conditions is harmful to seniors and should be unlawful²; and

WHEREAS, an overwhelming majority of Kentuckians are opposed to charging outrageous rates or refusing to sell policies to people because they are, or have been, sick; and

WHEREAS, Kentucky needs state legislation to outlaw this inhumane and harmful discrimination; now, therefore, be it

RESOLVED, that the KMA support state legislation to prohibit Medicare supplement plans from denying coverage or determining premiums based on an applicant's pre-existing conditions.

References:

¹ Kaiser Family Foundation. "In All But Four States, Seniors on Medicare Can Be Denied a Medigap Policy Due to Pre-existing conditions, Except During Specified Windows of Opportunity." Jul 11, 2018. <https://www.kff.org/medicare/press-release/in-all-but-four-states-seniors-on-medicare-can-be-denied-a-medigap-policy-due-to-pre-existing-conditions-except-during-specified-windows-of-opportunity/>

² Clark, Cheryl. "Medicare Advantage Enrollees Discover Dirty Little Secret—Getting Out Is a Lot Harder Than Getting In." *MedPage Today*, 3 Dec. 2019. <https://www.medpagetoday.com/publichealthpolicy/medicare/83661>