



DEPARTMENT OF COMMERCE AND INSURANCE

P.O. Box 690, Jefferson City, Mo. 65102-0690

INSURANCE BULLETIN 23-03

Medicare Supplement Guaranteed Issue Eligibility and MO HealthNet (Medicaid) Unwinding

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To: Health carriers writing Medicare Supplement coverage in Missouri

From: Director Chlora Lindley-Myers

Re: Medicare Supplement Guaranteed Issue Eligibility and MO HealthNet (Medicaid) Unwinding

In 2020, Congress enacted the Families First Coronavirus Response Act of 2020 (FFCRA). Among its many provisions, FFCRA required state Medicaid programs to keep participants continuously enrolled through the end of the month in which the COVID-19 Public Health Emergency ended (also known as “Medicaid continuous enrollment”). Subsequently, in late 2022, Congress enacted the Consolidated Appropriations Act of 2023 (CAA), which uncoupled the end of Medicaid continuous enrollment with the end of the Public Health Emergency. The CAA also set an end date for the Medicaid continuous enrollment policy of March 31, 2023. The Missouri Department of Social Services resumed Medicaid eligibility redeterminations for Medicaid participants in April, 2023, in a process known as “Medicaid Unwinding.”

Missourians who are enrolled in Medicare Parts A and B may also enroll in a Medicare Supplement Plan (also known as a “Medigap” plan). Generally, individuals have an open enrollment period of six months from the first day of the first month in which their Medicare Part B enrollment is effective, during which they can enroll in a Medicare Supplement plan on a guaranteed issue basis. *See* 20 CSR 400-3.650(12) However, individuals who were continuously eligible for Medicaid during the PHE and who enrolled in Medicare Part B more than six months before the end of their Medicaid eligibility may have missed the initial six-month open enrollment period for Medicare Supplement, and thus their ability to enroll in a Medicare Supplement Plan on a guaranteed issue basis. Federal law prohibits health carriers from selling Medicare Supplement policies to Medicaid participants. *See* 42 U.S.C. §1395ss(d)(3)(B)(iii).

In an effort to ensure low and moderate income Missouri residents have access to Medicare Supplement plans, the Director strongly encourages carriers offering Medicare Supplement coverage in the state to extend guaranteed issue rights to individuals who have exhausted or nearly exhausted their initial open enrollment period as a result of their continuous enrollment in MO HealthNet. Carriers may ask these individuals for verification of a change in their MO HealthNet eligibility.

INSURERS who have additional questions may contact the Department’s Market Conduct Section at marketconduct@insurance.mo.gov or 573-751-2430.

CONSUMERS who have questions may contact the Department’s Consumer Affairs Division at consumeraffairs@insurance.mo.gov or 800-726-7390.

Additionally, consumers with questions specifically regarding Medicare may contact the Missouri SHIP helpline at 800-390-3330.