

WHEN SOLICITING OR ADVERTISING THE SALE OF A HEALTH INSURANCE POLICY TO AN INDIVIDUAL ELIGIBLE FOR MEDICARE, A CARRIER OR AGENT MAY NOT:

(1) REPRESENT OR IMPLY THAT THE CARRIER OR AGENT REPRESENTS, WORKS FOR, OR IS COMPENSATED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY;

(2) FALSELY REPRESENT OR IMPLY THAT THE CARRIER OR AGENT IS OFFERING INSURANCE TO SUPPLEMENT MEDICARE THAT IS APPROVED OR RECOMMENDED BY A FEDERAL, STATE, OR LOCAL GOVERNMENT AGENCY;

(3) USE TERMS SUCH AS "MEDICARE CONSULTANT", "MEDICARE ADVISOR", "MEDICARE BUREAU", OR "DISABILITY INSURANCE CONSULTANT" WHEN DESCRIBING THE CARRIER OR AGENT IN A LETTER, ENVELOPE, REPLY CARD, OR ANY OTHER WRITING OR ADVERTISEMENT OR IN ANY ORAL REPRESENTATION; OR

(4) KNOWINGLY MAKE A MISREPRESENTATION OR INCOMPLETE OR FRAUDULENT COMPARISON BY COMMISSION OR OMISSION OF A POLICY OR CARRIER TO INDUCE OR ATTEMPT TO INDUCE THE INDIVIDUAL TO:

(I) PURCHASE, AMEND, LAPSE, SURRENDER, FORFEIT, CHANGE, DUPLICATE, OR NOT RENEW COVERAGE ALREADY IN FORCE;

(II) REPLACE A POLICY THAT IS ONLY TECHNICALLY AT VARIANCE WITH THE POLICY BEING OFFERED BY THE CARRIER OR AGENT; OR

(III) TAKE OUT A POLICY WITH ANOTHER CARRIER.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 468F(a) and 468G(b)(1) and (c).

Throughout this section, the references to an "individual" eligible for Medicare are substituted for the former references to a "person" for clarity because only individuals may be eligible for Medicare.

In subsection (c)(1) of this section, the former phrase "in any way" is deleted as surplusage.

Defined terms: "Carrier" § 15-901

"Health insurance" § 1-101

"Insurance" § 1-101

"Medicaid" § 15-901

"Medicare" § 15-901

"Medicare supplement policy" § 15-901

"Policy" §§ 1-101 and 15-901

15-925. PROHIBITED SOLICITATIONS.

(A) INDIVIDUALS NOT ELIGIBLE FOR MEDICARE.