

Approved April 13, 2004.

**CHAPTER 54**  
**(House Bill 574)**

AN ACT concerning

**Health Insurance - Medicare Supplement Policies - ~~Repeal of Prohibited Solicitation~~ Sale or Offer to Medicaid-Eligible Individual**

FOR the purpose of ~~repealing a certain prohibition against selling specifying the provisions under which a Medicare supplement policy may be sold to an individual eligible for Medicaid benefits~~ repealing a certain prohibition against a carrier or insurance producer negligently or knowingly selling or offering to sell a Medicare supplement policy to an individual eligible for Medicaid; authorizing a carrier or insurance producer to sell or offer to sell a Medicaid supplement policy to an individual eligible for Medicaid in accordance with certain provisions of federal law; making this Act an emergency measure; and generally relating to the sale or offer of a Medicare supplement policy.

BY repealing and reenacting, with amendments,

Article - Insurance

Section 15-925

Annotated Code of Maryland

(2002 Replacement Volume and 2003 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Insurance**

15-925.

(a) When soliciting the sale of a health insurance policy, a carrier or insurance producer may not knowingly offer a Medicare supplement policy to an individual not eligible for Medicare.

~~[(b)]~~ A carrier or insurance producer may ~~not negligently or knowingly~~ ONLY sell or offer to sell a Medicare supplement policy to an individual eligible for Medicaid benefits IN ACCORDANCE WITH THE PROVISIONS OF 42 U.S.C. § 1395SS AND THIS SUBTITLE.

~~[(c)]~~ ~~(B)~~ A carrier or insurance producer may not negligently or knowingly sell or offer to sell to an individual a Medicare supplement policy that duplicates to any extent an existing Medicare supplement policy that covers that individual.

~~[(d)]~~ ~~(C)~~ A carrier or insurance producer may not use the terms "Medicare supplement", "Medigap", or other words of similar meaning in advertising or