

(D) THE COMMISSIONER MAY REQUIRE THE INSURER TO MAKE REFUNDS RATE ADJUSTMENTS TO POLICYHOLDERS OF MEDICARE SUPPLEMENT POLICIES WHICH IN PRACTICE DO NOT MEET THE MINIMUM SPECIFIED LOSS RATIOS REQUIRED UNDER THIS SECTION.

468DB.

(a) (1) In this section, "compensation" includes pecuniary or nonpecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate, including but not limited to, bonuses, gifts, and finders' fees.

(2) In this section, "compensation" does not include noncash prizes and awards.

(b) An insurer or other entity may provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200 percent of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.

(c) The commission or other compensation provided in subsequent renewal years must be the same as that provided in the second year or period and must be provided for a reasonable number of renewal years.

(d) [(1)] No entity shall provide compensation to its agents or other producers and no agent or producer shall receive compensation greater than the renewal compensation payable by the replacing insurer on renewal policies or certificates if an existing policy or certificate is replaced.

[(2) Paragraph (1) of this subsection does not apply where the benefits of the new policy or certificate are clearly and substantially greater than the benefits under the replaced policy.]

468G.

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

(B) (1) WHEN SOLICITING THE SALE OF A HEALTH INSURANCE POLICY TO A PERSON ELIGIBLE FOR MEDICARE, AN INSURER OR AGENT SHALL INQUIRE WHETHER THE PERSON IS ALREADY COVERED BY AN EXISTING MEDICARE SUPPLEMENT POLICY, AND WHETHER THE PERSON IS ENTITLED TO MEDICAID BENEFITS, AND THE INSURER OR AGENT SHALL OBTAIN A WRITTEN STATEMENT BY THE PERSON VERIFYING THIS INFORMATION.

(2) AN INSURER OR AGENT SHALL NOT NEGLIGENTLY OR KNOWINGLY SELL OR OFFER TO SELL TO ANY PERSON A MEDICARE SUPPLEMENT POLICY WHICH DUPLICATES TO ANY EXTENT AN EXISTING MEDICARE SUPPLEMENT POLICY COVERING THAT PERSON.