

specified impairments (including cancer, specified disease policies and other policies that pay a scheduled benefit or specified payment based on diagnosis of the conditions named in the policy);

(5) indemnity policies and other policies that pay a fixed dollar amount per day, excluding long term care policies;

(6) policies that provide benefits for both expenses incurred and fixed indemnity;

(7) long-term care policies providing both nursing home and non-institutional coverage;

(8) long-term care policies primarily providing nursing home benefits only;

(9) home care policies; and

(10) other health insurance policies not specifically identified above.

IV. Policy Disclosure Statements

We have reviewed and approved the statements developed by the NAIC along with the instructions for their use and they are set forth as an addendum to this notice.

V. Other

This notice was reviewed by the Office of Management and Budget.

(Section 1882(d)(3) of the Social Security Act (42 U.S.C. 1395ss(d)(3)))

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: April 17, 1995.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Addendum

Adopted by the NAIC on 1/21/95

Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries That Duplicate Medicare

1. Federal law, P.L. 103-432, prohibits the sale of a health insurance policy (the term policy includes certificate) to Medicare beneficiaries that duplicates Medicare benefits unless it will pay benefits without regard to a beneficiary's other health

coverage and it includes the prescribed disclosure statement on or together with the application for the policy.

2. All types of health insurance policies that duplicate Medicare shall include one of the attached disclosure statements, according to the particular policy type involved, on the application or together with the application. The disclosure statement may not vary from the attached statements in terms of language or format (type size, type proportional spacing, bold character, line spacing, and usage of boxes around text).

3. State and Federal law prohibits insurers from selling a Medicare supplement policy to a person that already has a Medicare supplement policy except as a replacement policy.

4. Property/Casualty and Life insurance policies are not considered health insurance.

5. Disability income policies are not considered to provide benefits that duplicate Medicare.

6. The federal law does not pre-empt state laws that are more stringent than the federal requirements.

7. The federal law does not pre-empt existing state form filing requirements.

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