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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1959** Session of  
2007

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INTRODUCED BY LONGIETTI, HALUSKA, HARKINS, BELFANTI, BRENNAN,  
CALTAGIRONE, CARROLL, COHEN, GEORGE, GOODMAN, GRUCELA,  
HARPER, HORNAMAN, JAMES, JOSEPHS, McILVAINE SMITH, MURT,  
PETRONE, SANTONI, SAYLOR, SEIP, SIPTROTH, K. SMITH, SONNEY,  
STERN, R. STEVENSON, SURRA, WANSACZ, J. WHITE AND YOUNGBLOOD,  
OCTOBER 23, 2007

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REFERRED TO COMMITTEE ON INSURANCE, OCTOBER 23, 2007

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AN ACT

1 Amending the act of December 15, 1982 (P.L.1291, No.292),  
2 entitled "An act to provide for the reasonable  
3 standardization and minimum loss ratios of coverage and  
4 simplification of terms and benefits of group medicare  
5 supplement accident and health insurance policies or group  
6 subscriber contracts of health plan corporations and  
7 nonprofit health service plans; to facilitate public  
8 understanding and comparison of such policies; to eliminate  
9 provisions contained in such policies which may be misleading  
10 or confusing in connection with the purchase thereof or with  
11 the settlement of claims; and to provide for full disclosure  
12 in the sale of such coverages to persons eligible for  
13 medicare by reason of age," providing for the return of  
14 premium funds under certain circumstances.

15 The General Assembly of the Commonwealth of Pennsylvania  
16 hereby enacts as follows:

17 Section 1. Section 8 of the act of December 15, 1982  
18 (P.L.1291, No.292), known as the Medicare Supplement Insurance  
19 Act, is amended to read:

20 Section 8. Requirements for replacement.

21 (a) Application or enrollment forms shall include a question  
22 designed to elicit information as to whether a certificate to be

1 issued under a medicare supplement policy is intended to replace  
2 any other accident and health insurance presently in force. A  
3 supplementary application or other form to be signed by the  
4 applicant containing such a question may be used.

5 (b) Upon determining that a sale will involve replacement,  
6 an insurer, other than a direct response insurer, or its agent,  
7 shall furnish the applicant, prior to issuance or delivery of  
8 the certificate, a notice designed to inform the applicant of  
9 the essential differences in coverage on a form consistent with  
10 the then current model notification form adopted by the National  
11 Association of Insurance Commissioners. One copy of such notice  
12 shall be retained by the applicant and an additional copy signed  
13 by the applicant shall be retained by the insurer. A direct  
14 response insurer shall deliver the notice to the applicant upon  
15 issuance of the certificate.

16 (c) An insurer shall refund the balance of any premium paid  
17 under a Medicare supplement policy upon receipt of proof from  
18 the insured that other insurance coverage was obtained.

19 Section 2. This act shall take effect immediately.