

Group and Individual Health Medicare Supplement and Select Checklist

Use this checklist:

- When reviewing group or individual Medicare Supplement insurance policies or products.
- To ensure the product or policy meets requirements as listed in the Texas Insurance Code (TIC), the Texas Administrative Code (TAC), department guidelines, and other laws.
- In addition to, not in place of, the "[Individual Health Product Requirements](#)" checklist or the "[Group Health Product Requirements](#)" checklist, as applicable.
- To enter the page number or reference location in the "Page" field.

Filing Requirements

Page _____ : General - [28 TAC Sections 3.1 - 3.8](#).

Page _____ : Out-of-state group Medicare supplement policies - [28 TAC Section 3.3316](#).

Genetic Information

Page _____ : Prohibition against use of genetic information and requests for genetic testing - [28 TAC Section 3.3326](#).

Prohibited Provisions

Page _____ : Discretionary clauses prohibited - [TIC Section 1701.062](#), and [28 TAC Section 3.1202](#) and [Section 3.1203](#).

Page _____ : Prohibition on forced organ harvesting - An issuer may not cover a transplant or post-transplant care if the transplant was performed in China, or another country known to have participated in forced organ harvesting. Also, an issuer may not cover a transplant for which the organ to be transplanted was procured by sale or donation originating in China or another country known to have participated in forced organ harvesting; in addition, this prohibition against coverage extends to coverage for post-transplant care. [TIC Section 1380.003](#)

Policy First Page

Page _____ : Required notice to buyer - [28 TAC Section 3.3319\(b\)](#).

Page _____ : Thirty-day right to return and receive a refund of the premium - [TIC Section 1652.155](#), and [28 TAC Section 3.3308\(a\)\(5\)](#).

Page _____ : Renewal or continuation provision - [28 TAC Section 3.3308\(a\)\(1\)](#).

Policy Requirements

Page _____ : Must be guaranteed renewable - [28 TAC Section 3.3306\(b\)\(1\)\(E\)](#).

Page _____ : Policy must be filed and approved for use - [28 TAC Section 3.3322\(a\)](#).

Page _____ : Cannot file more than one type of policy/certificate form unless an exception applies- [28 TAC Section 3.3322\(d\)](#).

Page _____ : Policy definitions and terms - [28 TAC Section 3.3304](#).

Page _____ : Limitations and exclusions cannot be more restrictive than those of Medicare – [28 TAC Section 3.3305\(a\)](#).

Page _____ : Cannot use waivers to exclude, limit or reduce coverage or benefits for pre-existing conditions [28 TAC Section 3.3305\(b\)](#).

Page _____ : Cannot contain benefits provided by Medicare - [28 TAC Section 3.3305\(c\)](#).

Page _____ : Definition of pre-existing condition - [TIC Section 1652.058\(b\)](#), and [28 TAC Section 3.3306\(b\)\(1\)\(A\)](#).

Page _____ : Waive or reduce pre-existing waiting period when policy is replaced – [TIC Section 1652.057](#), and [28 TAC Section 3.3306\(b\)\(1\)\(A\)\(i\) and \(ii\)](#), and [Section 3.3308\(a\)\(4\)\(C\)](#).

Page _____ : Sickness and accident must be indemnified on the same basis - [28 TAC Section 3.3306\(b\)\(1\)\(B\)](#).

Page _____ : Include statement that policy changes with applicable Medicare deductible, copayment, or coinsurance changes and that premiums may be modified to correspond with such changes – [28 TAC Section 3.3306\(b\)\(1\)\(C\)](#).

Page _____ : Cannot terminate spouse because of event terminating insured or because of health reasons – [28 TAC Section 3.3306\(b\)\(1\)\(D\)](#).

Page _____ : Group continuation – [28 TAC Section 3.3306\(b\)\(1\)\(E\)\(iii\)-\(v\)](#).

Page _____ : Extension of benefits provision – [28 TAC Section 3.3306\(b\)\(1\)\(F\)](#).

Page _____ : Conditions for the suspension of coverage for Medicaid – [28 TAC Section 3.3306\(b\)\(1\)\(G\)\(i\) and \(ii\)](#).

Page _____ : Condition for suspension of coverage for group coverage if entitled to benefits under Section 226(b) of the Social Security Act – [28 TAC Section 3.3306\(b\)\(1\)\(G\)\(iii\)](#).

Page _____ : Standards for basic core benefits – [28 TAC Section 3.3306\(b\)\(2\)](#).

Page _____ : Standards for additional benefits – [28 TAC Section 3.3306\(b\)\(3\)](#).

Page _____ : Availability – [28 TAC Section 3.3306\(c\)\(1\)](#).

Page _____ : Uniformity – [28 TAC Section 3.3306\(c\)\(3\)](#).

Page _____ : Make-up of benefit plans – [28 TAC Section 3.3306\(c\)\(5\)](#).

Page _____ : New or innovative benefits – [28 TAC Section 3.3306\(c\)\(6\)](#).

Page _____ : Riders or endorsements – [28 TAC Section 3.3308\(a\)\(2\)](#).

Page _____ : The use of “usual and customary” or words of similar import is prohibited [28 TAC Section 3.3308\(a\)\(3\)](#).

Page _____ : Requirements for pre-existing conditions, if included in the policy [28 TAC Section 3.3308\(a\)\(4\)](#).

Page _____ : Provide a Guide to Health Insurance for People with Medicare – [28 TAC Section 3.3308\(a\)\(6\)](#).

Page _____ : Must refund unearned premium for death or cancellation – [TIC Chapter 558](#).

Page _____ : Payment to Texas Health and Human Services Commission – [TIC Section 1204.152](#) and [Government Code Section 531.0011\(b\)](#).

Page _____ : The Premium Information provision in the policy and outline of coverage must indicate that any rate increase must be approved by the Texas Department of Insurance – [28 TAC Section 3.3322\(c\)](#).

Effective Dates

Page _____ : Individual policy must show time insurance takes effect and terminates [TIC Section 1201.052](#).

Definitions - [28 TAC Section 3.3303](#)

Page _____ : 1990 Standardized Medicare supplement benefit plan - [28 TAC Section 3.3303\(1\)](#).

Page _____ : 2010 Standardized Medicare supplement benefit plans - [28 TAC Section 3.3303\(2\)](#).

Page _____ : 2020 Newly eligible individual - [28 TAC Section 3.3303\(3\)](#).

Page _____ : Applicant - [28 TAC Section 3.3303\(4\)](#).

Page _____ : Bankruptcy - [28 TAC Section 3.3303\(5\)](#).

Page _____ : Certificate - [28 TAC Section 3.3303\(6\)](#).

Page _____ : Continuous period of creditable coverage - [28 TAC Section 3.3303\(7\)](#).

Page _____ : Creditable coverage - [TIC Section 1205.004](#), and [28 TAC Section 3.3303\(8\)](#), [Section 3.3002\(8\)](#), and [Section 21.1101\(5\)](#).

- Page _____ : Employee welfare benefit plan - [28 TAC Section 3.3303\(9\)](#).
- Page _____ : Health maintenance organization (HMO) - [28 TAC Section 3.3303\(10\)](#).
- Page _____ : Insolvency - [28 TAC Section 3.3303\(11\)](#).
- Page _____ : Issuer - [28 TAC Section 3.3303\(12\)](#).
- Page _____ : Medicaid - [28 TAC Section 3.3303\(13\)](#).
- Page _____ : Medicare - [TIC Section 1652.001\(3\)](#), and [28 TAC Section 3.3303\(14\)](#).
- Page _____ : Medicare Advantage organization - [28 TAC Section 3.3303\(15\)](#).
- Page _____ : Medicare Advantage plan - [28 TAC Section 3.3303\(16\)](#).
- Page _____ : Medicare Advantage private fee-for-service plan - [28 TAC Section 3.3303\(17\)](#).
- Page _____ : MMA - The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 [28 TAC Section 3.3303\(18\)](#).
- Page _____ : Medicare Select policy or Medicare Select certificate - [28 TAC Section 3.3303\(19\)](#).
- Page _____ : Medicare supplement policy - [TIC Section 1652.002](#), and [28 TAC Section 3.3303\(20\)](#).
- Page _____ : Point-of-Service - [28 TAC Section 3.3303\(21\)](#).
- Page _____ : Pre-Standardized Medicare supplement benefit plan - [28 TAC Section 3.3303\(22\)](#).
- Page _____ : Provider-sponsored organization - [28 TAC Section 3.3303\(23\)](#).
- Page _____ : Qualified actuary - [28 TAC Section 3.3303\(24\)](#).
- Page _____ : Secretary - [28 TAC Section 3.3303\(25\)](#).

Policy Definitions and Terms

The following words and terms may be included in a form filing. If the form filing does contain any of these terms, the definitions may not be more restrictive than the definition in the statute or rule cited.

- Page _____ : Accident, accidental injury, or accidental means - [28 TAC Section 3.3304\(1\)](#).
- Page _____ : Benefit period or Medicare benefit period - [28 TAC Section 3.3304\(2\)](#).
- Page _____ : Convalescent nursing home, skilled nursing facility, or extended care facility - [28 TAC Section 3.3304\(3\)](#).
- Page _____ : Health care expenses/HMO - [28 TAC Section 3.3304\(4\)](#).
- Page _____ : Hospital - [28 TAC Section 3.3304\(5\)](#).

Page _____ : Medicare - [TIC Section 1652.001\(3\)](#) and [28 TAC Section 3.3304\(6\)](#), [3.3303\(14\)](#), and [3.3015](#).

Page _____ : Medicare approved amounts - [28 TAC Section 3.3304\(7\)](#).

Page _____ : Medicare eligible expenses - [28 TAC Section 3.3304\(8\)](#).

Page _____ : Nurses - [28 TAC Section 3.3304\(9\)](#).

Page _____ : Physicians - [28 TAC Section 3.3304\(10\)](#).

Page _____ : Sickness - [28 TAC Section 3.3304\(11\)](#).

Pre-Existing Conditions

Page _____ : Definition of pre-existing conditions - [TIC Section 1652.058\(b\)](#), and [28 TAC Section 3.3306\(b\)\(1\)\(A\)](#).

Page _____ : Waiving or reducing pre-existing conditions, waiting period for replacement - [TIC Section 1652.057](#), and [28 TAC Section 3.3306\(b\)\(1\)\(A\)\(i\)-\(iii\)](#), and [Section 3.3308\(a\)\(4\)\(C\)](#).

Page _____ : If pre-existing condition limitation is in policy, provision must meet requirements of rule [28 TAC Section 3.3308\(a\)\(4\)\(A\), \(B\), and \(C\)](#)

Page _____ : Pre-existing condition disclosure in outline of coverage - [28 TAC Section 3.3308\(c\)\(2\)\(B\)](#).

Page _____ : Reduction of pre-existing condition limitation for creditable coverage during open enrollment period - [28 TAC Section 3.3324\(c\)\(1\) and \(2\)](#).

Page _____ : Permitted pre-existing condition limitation during open enrollment - [28 TAC Section 3.3324\(d\)](#).

Page _____ : Pre-existing condition limitations must be waived for a person who is eligible for guaranteed issue - [28 TAC Section 3.3312\(a\)\(2\)](#).

Page _____ : Requirement (in application) to ask question to determine reduction or waiver of pre-existing limitation - [28 TAC Section 3.3309\(b\)](#).

Creditable Coverage

Page _____ : Creditable coverage - [28 TAC Section 3.3303\(8\)](#) and [Section 21.1101\(5\)\(A\)](#).

Page _____ : Coverages that are not creditable - [28 TAC Section 21.1101\(5\)\(B\)](#).

Page _____ : Reduction of pre-existing condition limitation for creditable coverage during open enrollment - [28 TAC Section 3.3324\(c\)\(1\) and \(2\)](#).

Page _____ : Elicit information about creditable coverage on application - [28 TAC Section 3.3309\(b\)](#).

Eligible Persons for Guaranteed Issue

Page _____ : Guaranteed issue - [28 TAC Section 3.3312\(a\)](#).

Page _____ : Eligible persons for guaranteed issue defined (NOTE: Include definition in or with application) - [28 TAC Section 3.3312\(b\)](#).

Page _____ : Products to which eligible persons are entitled - [28 TAC Section 3.3312\(c\)](#).

Page _____ : Guaranteed issue time periods - [28 TAC Section 3.3312\(d\)](#).

Page _____ : Extended Medicare supplement access for interrupted trial periods - [28 TAC Section 3.3312\(e\)](#).

Page _____ : Elicit information about eligible persons on application – [28 TAC Section 3.3309\(b\)](#).

Rates – Actuarial

Page _____ : Filing of rates and rating schedules - [TIC Section 1652.102](#), and [28 TAC Section 3.3307\(d\)](#).

Page _____ : Rates must be approved prior to use - [28 TAC Section 3.3322\(c\)](#).

Page _____ : Notice of premium rate increase: GROUP - 60 days - [TIC Section 1254.001](#).

Application

Define eligible persons for guaranteed issue (and in some instances, creditable coverage) in the application or a supplement to the application.

Page _____ : Required statements - [28 TAC Section 3.3309\(a\)\(1\)](#).

Page _____ : Required questions - [28 TAC Section 3.3309\(a\)\(2\)](#).

Page _____ : Elicit information about creditable coverage and eligible persons for guaranteed issue - [28 TAC Section 3.3309\(b\)](#).

Page _____ : Agent shall list other health insurance policies or coverages - [28 TAC Section 3.3309\(c\)](#).

Page _____ : Direct response issuer to return application to applicant - [28 TAC Section 3.3309\(d\)](#).

Page _____ : Provide a notice regarding replacement - [28 TAC Section 3.3309\(e\)](#).

Page _____ : Replacement notice - [28 TAC Section 3.3309\(f\)](#).

Outline of Coverage

Page _____ : Requirement to deliver outline at time of application - [TIC Section 1652.152\(a\)](#), and [28 TAC Section 3.3308\(b\)\(1\)](#).

Page _____ : Required notice on corrected outline to be delivered to applicants who received an incorrect outline - [28 TAC Section 3.3308\(b\)\(2\)](#).

Page _____ : Prescribed format and content of the outline, must have cover page, premium information, disclosure pages, and charts, in that order - [TIC Section 1652.151](#) and [Section 1652.152](#), and [28 TAC Section 3.3308\(c\)](#).

Page _____ : Requirement to identify all plans on the cover page and to illustrate all possible premiums - [28 TAC Section 3.3308\(c\)\(1\)](#).

Page _____ : Bracket all variable dollar amounts in outline - [28 TAC Section 3.3308\(c\)\(2\)\(A\)](#).

Page _____ : Include limitations and exclusions on disclosure page - [28 TAC Section 3.3308\(c\)\(2\)\(B\)](#).

Page _____ : Outline shall include a disclosure (Refund of Premium provision) that the policy contains a provision refunding unearned premium upon death or cancellation - [TIC Chapter 558](#), and [28 TAC Section 3.3308\(c\)\(2\)\(C\)](#).

Page _____ : Medicare Select outlines of coverage shall include a disclosure of grievance procedures per [28 TAC Section 3.3325\(m\)](#) and [28 TAC Section 3.3308\(c\)\(2\)\(D\)](#).

Page _____ : Chart of benefits - [28 TAC Section 3.3308\(c\)\(2\)\(E\)](#) and [Figure 28 TAC Section 3.3308\(c\)\(2\)\(E\)](#).

Medicare Select Products

In addition to the requirements listed in [28 TAC Section 3.3325](#) Medicare Select policies and certificates are expected to meet all the requirements of [28 TAC Sections 3.3301 - 3.3326](#) pertaining to Medicare Supplement policies and certificates, generally.

Medicare Select – Definitions

The following words and terms shall be included in all Medicare Select policies, certificates, and plans of operation per [28 TAC Section 3.3325\(c\)](#):

Page _____ : Complaint - [28 TAC Section 3.3325\(c\)\(1\)](#).

Page _____ : Emergency care - [28 TAC Section 3.3325\(c\)\(2\)](#).

Page _____ : Grievance - [28 TAC Section 3.3325\(c\)\(3\)](#).

Page _____ : Medicare Select issuer - [28 TAC Section 3.3325\(c\)\(4\)](#).

Page _____ : Medicare Select policy and certificate - [28 TAC Section 3.3325\(c\)\(5\)](#).

Page _____ : Network provider - [28 TAC Section 3.3325\(c\)\(6\)](#).

Page _____ : Non-network provider - [28 TAC Section 3.3325\(c\)\(7\)](#).

Page _____ : Restricted network provisions - [28 TAC Section 3.3325\(c\)\(8\)](#).

Page _____ : Service area - [28 TAC Section 3.3325\(c\)\(9\)](#).

Medicare Select – Full and Fair Disclosure

Disclosure shall include at least the following, per [28 TAC Section 3.3325\(k\)](#):

Page _____ : Outline of coverage - [28 TAC Section 3.3325\(k\)\(1\)](#).

Page _____ : Description of network providers - [28 TAC Section 3.3325\(k\)\(2\)](#).

Page _____ : Description of restricted network provisions - [28 TAC Section 3.3325\(k\)\(3\)](#).

Page _____ : Description of for emergency and urgent care and other out-of-service area coverage - [28 TAC Section 3.3325\(k\)\(4\)](#).

Page _____ : Description of limitations on referrals - [28 TAC Section 3.3325\(k\)\(5\)](#).

Page _____ : Description of policyholders' rights to purchase - [28 TAC Section 3.3325\(k\)\(6\)](#).

Page _____ : Description of quality assurance and grievance procedures - [28 TAC Section 3.3325\(k\)\(7\)](#).

Page _____ : Promulgated statement for hospital network providers - [28 TAC Section 3.3325\(k\)\(8\)](#).

Medicare Select – Plan of Operations

Medicare Select networks must be reviewed by Manage Quality Care Assurance Office (MCQA)

Page _____ : Must be approved prior to issuance of policy/certificate - [28 TAC Section 3.3325\(e\)](#).

Page _____ : Must contain a form number in lower left-hand corner - [28 TAC Section 3.3325\(f\)](#).

Page _____ : Must contain evidence that services are available/accessible through network providers - [28 TAC Section 3.3325\(f\)\(1\)](#).

Page _____ : Must show services can be provided with reasonable promptness, etc. – [28 TAC Section 3.3325\(f\)\(1\)\(A\)](#).

Page _____ : Number of network providers must be documented by credible statistics – [28 TAC Section 3.3325\(f\)\(1\)\(B\)](#).

Page _____ : Written agreements with network providers - [28 TAC Section 3.3325\(f\)\(1\)\(C\)](#).

Page _____ : Emergency care availability - [28 TAC Section 3.3325\(f\)\(1\)\(D\)](#).

Page _____ : Written agreement with network providers prohibiting the providers from seeking reimbursement from any covered individuals - [28 TAC Section 3.3325\(f\)\(1\)\(E\)](#).

Page _____ : Narrative statement and/or map describing service area - [28 TAC Section 3.3325\(f\)\(2\)](#).

Page _____ : Grievance procedures (refer to [28 TAC Section 3.3325\(m\)](#)) - [28 TAC Section 3.3325\(f\)\(3\)](#).

Page _____ : Quality assurance program must include the following per [28 TAC Section 3.3325\(f\)\(4\)](#).

Page _____ : Formal organizational structure - [28 TAC Section 3.3325\(f\)\(4\)\(A\)](#).

Page _____ : Written criteria for selection, retention, and removal of network providers - [28 TAC Section 3.3325\(f\)\(4\)\(B\)](#).

Page _____ : Procedures for evaluating quality of care and process for corrective action – [28 TAC Section 3.3325\(f\)\(4\)\(C\)](#).

Page _____ : List and describe network providers by specialty - [28 TAC Section 3.3325\(f\)\(5\)](#).

Page _____ : Provide copies of full and fair disclosure per [28 TAC Section 3.3325\(k\)](#) and [28 TAC Section 3.3325\(f\)\(6\)](#).

Page _____ : File changes to Plan of Operations 60 days in advance - [28 TAC Section 3.3325\(g\)](#).

Page _____ : Send report of updates to network provider list quarterly - [28 TAC Section 3.3325\(h\)](#).

Medicare Select – Grievance Procedures

Page _____ : Issuer shall have and use procedures for complaints and grievances [28 TAC Section 3.3325\(m\)\(1\)](#).

Page _____ : Grievance procedures shall be described in policy, certificates, and outline (in-hospital and out-of-hospital) - [28 TAC Section 3.3325\(m\)\(1\)](#).

Page _____ : Detailed grievance information must be provided to policyholder at time of issue - [28 TAC Section 3.3325\(m\)\(2\)](#).

Page _____ : If grievance is valid, take prompt corrective action - [28 TAC Section 3.3325\(m\)\(4\)](#).

Page _____ : Notice of results shall be given to all concerned parties - [28 TAC Section 3.3325\(m\)\(5\)](#).

Page _____ : Grievance reports shall be filed with Commissioner annually by March 31 - [28 TAC Section 3.3325\(m\)\(6\)](#).

Medicare Select – Miscellaneous Requirements

Page _____ : Policy or certificate shall not restrict payment for covered services by non-network providers [28 TAC Section 3.3325\(i\)](#) , if services require emergency care - [28 TAC Section 3.3325\(i\)\(1\)](#).

Page _____ : it is not reasonable to obtain services from a network provider - [28 TAC Section 3.3325\(i\)\(2\)](#).

Page _____ : Payment for full coverage if services not available from a network provider - [28 TAC Section 3.3325\(j\)](#).

Page _____ : Issuer must obtain from applicant a signed and dated form for receipt of information regarding grievance procedures per [28 TAC Section 3.3325\(k\)](#) and [28 TAC Section 3.3325\(l\)](#).

Page _____ : Issuer shall make available at time of purchase any Medicare Supplement policy/certificate otherwise offered - [28 TAC Section 3.3325\(n\)](#).

Page _____ : After 6 months of coverage under Medicare Select, if covered individual requests, issuer shall make available any Medicare supplement plan of comparable or lesser benefits that issuer has to offer - [28 TAC Section 3.3325\(o\)](#).

Page _____ : Comparable or lesser benefits - [28 TAC Section 3.3325\(p\)](#).

Electronic Communication – [TIC Section 35.004\(c\)\(1\) and \(2\)](#) and [TIC Section 35.0041](#)

Page _____ : Electronic communications - Allows issuers to conduct business electronically: (1) by seeking out prior affirmative consent; or (2) if the issuer provides notice of intent to conduct business electronically and the party does not opt out. Further describes either method is subject to disclosure requirements set out in [TIC §35.004](#). In addition, (1) the party must have a right to withdraw consent; or (2) in the case affirmative consent was not obtained, the party requests written communication be delivered in nonelectronic form. [TIC §35.003](#)