

## Form Filing Checklist – Individual & Group Medicare Supplement

TOIs: MS09.000 - Medicare Supplement  
 MS08I.008, MS08I.009, MS08G.008 & MS08G.009 - Medicare Supplement Cost-Sharing  
 MS08I.006 & MS08G.006 - Medicare Supplement-High Deductible

### DISCLAIMER

*The form filing checklists are intended only as guides for submitting various policy forms to the Office of the Commissioner of Insurance (OCI). The checklists are summaries, and are not intended as an OCI directive nor to interpret or address technical legal questions. Use of these checklists does not guarantee automatic approval of policy form submissions. Although efforts have been made to ensure that the checklists are current and accurate, information is subject to change on a regular basis without prior notice.*

The cites in the second column reference Wisconsin statutes unless they begin with “Ins”, which indicates an administrative code [regulation]

General Filing Requirements	Reference	Comments
Policy Form Transmittal Document	Ins 6.05(4)(a)1	Submit a properly completed NAIC Life and Health transmittal document. Forms and instructions are available on the NAIC website at <a href="http://www.naic.org/industry_rates_forms_trans_docs.htm">http://www.naic.org/industry_rates_forms_trans_docs.htm</a> Submit a separate transmittal form for each individual and group TOI submission.
Filing Description (SERFF)	Ins 6.05(4)(a)3a	Include a brief explanation of use and intent of the form filing, or that identifies amendments to prior policy form filing.
Certificate of Compliance and Readability/Policy Simplification	Ins 6.05(4)(a)2 Ins 6.05 Appendix A Ins 6.07 (4)(a)1	Submit certificate of compliance and readability substantially identical to Appendix A, s. Ins 6.05, Wis. Adm. Code, signed by an officer of the insurer which attests that the form meets the minimum Flesch score of 50.
Statement of Variability	Ins 6.05(4)(a)5	If a form contains variable material or language, a written description identifying the range of the variable material or language.
Text of Policy	Ins 3.39(4s)(a)11	Plainly printed in the size of which is uniform and not less than 10-point type.
Authorization to File on Insurers Behalf	631.20 (1)(c) & Ins 6.05(3)	Medicare supplement policies must be filed and approved prior to use.
Actuarial Memorandum	Ins 3.39(4s)(e)	Actuarial demonstration that expected claims in relationship to premiums will comply with loss ratio standards. Memorandum should be specific to Wisconsin business.
Loss Ratio	Ins 3.39(4s)(e) & (16)(d)	65% for individual policies, 75% for group policies.
Commission limitations	Ins 3.39(21)	Agent Commission Schedules.

Commission for Under-65 Sales	Ins 3.39(21)(e)	Commission for under age 65 sales cannot be less than commission for age 65-69 sales.
Rate Filing	Ins 3.39(4s)(e) & (16)(e)	For individual policy form filings.
<b>Policy Form Requirements</b>		
<b>Face Page</b>	<b>Reference</b>	<b>Comments</b>
Corporate Legal Name	631.20(2)(c), 631.31 & 631.64	Policy shall conspicuously display the name of the insurer on the first page and full address of its home office somewhere in policy.
Medicare Supplement Title/Designation	Ins 3.39(4s)(a)10 & (5m)(b), (g)1, (h)1 & (k)	Identifies policy as "Medicare Supplement Insurance", "Medicare Supplement [25% or 50%] Cost-Sharing Plan," or Medicare Supplement Insurance-High Deductible Plan" in 18-point type and in close conjunction to caption.
Captions	Ins 3.39(4s)(a)10 & (5m)(c)	The designation, printed in 18-point type, and in close conjunction the caption printed in 12-point type.
Right to Return Policy	Ins 3.13(2)(j)3 Ins 3.39(22)(e)	30 day "free look" period; right to return and have premiums refunded.
Guaranteed Renewable for Life	Ins 3.13(2)(c), (d) & (e), Ins 3.39(4s)(a)5 & 7	Shall disclose that premium rates may be changed.
Renewability	Ins 3.39(22)(a)	Shall include right to change premium and any automatic premium change due to age, and insurer's right to change premiums.
Preexisting Condition	Ins 3.39(4s)(a)2, (8)(a)3 & (c) & (22)(d)	If applies must be on face page of policy and limited to 6 months.
Important Notice Concerning Statements in the Application for Your Insurance	Ins 3.28(5)(d)	Notice required on front of policy, concerning statements made in the application [Individual policies/group certificates].
Term of Coverage	Ins 3.39(4s)(a)7	Clearly states the duration of the term of coverage for which the policy or certificate is issued and for which it may be renewed. Term is no less than 3 month.
Claim Methodology	Ins 3.39(6) & Ins 3.60(5)	<b>Applies to mandated benefit.</b> Notice on first page of policy stating that insurer settles claim based on specific methodology.
Notice of Right to File a Complaint	631.28 & Ins 6.85 (4)	Notice described under Appendix 1 or 2, s. Ins 6.85, Wis. Adm. Code.
<b>Schedule of Benefits</b>		
Term of Policy	Ins 3.39(4s)(a)7	Term is no less than 3 month. Include on face page or on schedule page.
List of Coverages, Annual Premiums & Modal Premium	Ins 3.39(4s)(d)	Include on the schedule of benefits page or the first page of the policy or certificate in format shown in sub. (11) of Appendix 2.
<b>General Contract</b>		
Entire Contract	631.11	The policy shall state the forms or documents that constitute the entire contract.
Fraternal	614.19(3)(b)	Shall contain in each certificate of insurance it issues, a provision, that if the financial position of the fraternal becomes impaired, the board of directors or the supreme governing body may, on an equitable basis, apportion the deficiency among the members of the fraternal, the insured employees or the owners, or any combination thereof.

Incontestability	632.76	Policy is incontestable after 2 years, except for fraudulent misrepresentation.
Premium Increase	631.36(5)	60-day notice of premium increases greater than 25%.
Grace Period	632.78	Required grace period (7 day for weekly premium, 10 days for monthly, 31 days for all other policies).
Suspension of Coverage	Ins 3.39(4s)(a)18	Provision for up to 24 months suspension if policyholder becomes eligible for medical assistance.
Ticket to Work	Ins 3.39(4s)(a)20	Provision for indefinite suspension if policyholder becomes eligible for group coverage.
Midterm Cancellation	Ins 3.39(4s)(a)15	Provision for midterm cancellation and pro rata refund of premium.
Termination	Ins 3.39(4s)(a)6	Termination without prejudice to continuous loss.
Automatic Benefit Change	Ins 3.39(4s)(a)8	Statement that benefits change automatically as Medicare deductibles and copayments/coinsurances change.
Reinstatement Provision	632.74	Required reinstatement provision if policy terminates for nonpayment of premium [waiting periods for illness not allowed].
Notice and Proof of Loss	631.81(1)	Notice or proof of loss is furnished as soon as reasonably possible & within one year of time required by policy.
Limitation of Actions	631.83(1)(b)	Action must be commenced within 3 years of when proof of loss was required to be furnished.
Subrogation	<u>Rimes</u>	If policy or certificate contains subrogation provision, there must be a statement that insurer's recovery rights are limited to the amount remaining after the insured has been "made whole."
Arbitration	631.20 631.85	An insurance policy may contain provision for independent appraisal and compulsory arbitration, subject to the provisions of 631.20. Form submissions containing such provisions will be deemed approved pursuant to s. 631.20(1)(a).
Mandatory Arbitration Prohibited	631.83(3)(c)	Policy may not provide that no action may be brought.
Benefit Appeals	632.84(2)(b) & Ins 3.55(4) Ins 3.39(4s)(a)12	Internal procedure by which insured may appeal denial of benefits.
Grievance Procedure	632.83 & Ins 3.39(4s)(a)12 Ins 18.03(1)(a) & (3)	Grievance procedure <b>applies to Wisconsin mandated benefits</b> . May not require insured to exhaust grievance process prior to filing legal action.
Independent Review Procedure (IRO)	632.835 & Ins 18.12	IRO procedure <b>applies to Wisconsin mandated benefits</b> Bulletin, April 26, 2002 <a href="http://oci.wi.gov/bulletin/0402iro.htm">http://oci.wi.gov/bulletin/0402iro.htm</a> & Bulletin, July 24, 2009 <a href="http://oci.wi.gov/bulletin/0709act28.htm">http://oci.wi.gov/bulletin/0709act28.htm</a>
<b>Exclusions and Limitations</b>		
Permitted Exclusions and Limitations	Ins 3.39(8)	Policy shall exclude expenses covered by Medicare and may contain a pre-existing waiting period, territorial limitations if HMO, etc.
No Limitations for Named Conditions	Ins 3.39(4s)(a) 14 & (8)(c)	Policy may not contain limitations for specifically named conditions after the effective date of the policy.
Preexisting Condition Exclusion	Ins 3.28(6)(a), Ins 3.39(4s)(a)2 &(8)(c)	Policy may contain, but limited to 6 months.
Duplication	Ins 3.39(4s)(a)17 & (8)(a)1	Provision that policy does not duplicate any Medicare benefit.

Coordination of Benefits	Ins 3.39(8)(a)	Policy must exclude expenses paid by Medicare; may limit benefits if insured has other insurance; no limitations more restrictive than Medicare.
Territorial Limitations	Ins 3.39(8) (a) 4.	May include if policy is issued by HMO.
Military Service Related Conditions	Ins 3.39(8) (a) 5.	May exclude if treatment provided by military or veterans hospital or facility contracted for or operated by national government or agency.
Beneficiary Without Part B Coverage	Ins 3.39(8)(b)	May exclude coverage of Medicare Part B covered expenses if insured chooses not to enroll in Medicare Part B.
Exclusions and Limitations Contained in Medicare	Ins 3.39(8)(e)	May include exclusions and limitations that are not otherwise prohibited and are not more restrictive than those contained in Medicare.
<b>Definitions</b>		
Creditable Coverage	Ins 3.39(3)(i)1	Include definition of coverage considered creditable.
Medicare Eligible Expenses	Ins 3.39(3)(s)	Covered by Medicare Parts A and B and recognized as medically necessary and reasonable by Medicare.
Medicare	Ins 3.39(3)(q)	Requires definition of Medicare.
Preexisting Condition	Ins 3.39(4s)(a)2	If applies, policy must include definition.
<b>Eligibility</b>		
Medicare Eligible Persons	Ins 3.39(3)(t)	"Medicare eligible person" mean a person who qualifies for Medicare.
Guarantee Issue	Ins 3.39(34)	Definition of guaranteed issue for eligible persons.
Open Enrollment	Ins 3.39(4m)(a)	6 month open enrollment period, special enrollment period for under age 65.
<b>Benefit Description</b>		
High-Deductible Medicare Supplement Insurance	Ins 3.39(5m)(k) 3 & 4	High deductible shall consist of out-of-pocket expenses, other than premiums, and shall be in addition to any other specific benefit deductibles. Annual high deductible shall be adjusted annually to reflect the change in the CPI.
Basic Medicare Supplement Coverage	Ins 3.39(5m)(d) 1 to 17	Basic benefits covered by Medicare supplement policies. For Medicare Supplement Cost-Sharing plans see Benefit Description for Cost-Sharing Plans section below.
New or Innovative Benefits	Ins 3.39(17)	Issuer may offer benefits that are appropriate to Medicare supplement that are new or innovative, are not otherwise available and are cost effective.
Experimental Treatment	632.855	Limitation on coverage of experimental treatment must state who is authorized to make decision.
Emergency Services and Urgent Care	632.85	Description of coverage, and no restrictions on covered services by non-plan providers for emergency services.
No Prior Authorization for Emergency Room Use	632.85	Policies cannot require prior authorization for emergency room use.
<b>Benefit Description for Cost-Sharing Plans</b>	<b>Reference</b>	<b>The Following Section Applies to Medicare Supplement Cost-Sharing Plans</b>
Medicare Part A Hospital Amount	Ins 3.39(5m)(g)1.	Coverage of coinsurance or copayment of Medicare Part A hospital amount for each day used from the 61 <sup>st</sup> through 90 <sup>th</sup> day in Medicare benefit period.

Lifetime Inpatient Reserve Days	Ins 3.39(5m)(g)3 & (h)3	Coverage of coinsurance or copayment of Medicare Part A hospital amount for each Medicare lifetime inpatient reserve day used from the 91 <sup>st</sup> through 150 <sup>th</sup> day in any Medicare benefit period.
Exhaustion of Medicare Hospital Coverage	Ins 3.39(5m)(g)4 & (h)4	Coverage for 100% of Medicare Part A eligible expenses for hospitalization upon exhaustion of Medicare hospital inpatient coverage subject to a lifetime limitation benefit of an additional 365 days.
Medicare Part A Deductible	Ins 3.39(5m)(g)5 & (h)5	Coverage for [25% or 50%] of Medicare Part A inpatient hospital deductible per benefit period until out-of-pocket limitation is met.
Skilled Nursing Facility Care	Ins 3.39(5m)(g)6 & (h)6	Coverage for [25% or 50%] of coinsurance or copayment amount for each day used from the 21 <sup>st</sup> through 100 <sup>th</sup> day in a Medicare benefit period for post-hospital skilled nursing facility care eligible under Part A until out-of-pocket limitation is met.
Respite Care and Hospice Care	Ins 3.39(5m)(g)7 & (h)7	Coverage for [25% or 50%] of coinsurance and copayments for all Medicare Part A eligible expenses and respite care until out-of-pocket limitation is met.
First 3 Pints of Blood or Equivalent Quantities or Packed Red Blood Cells	Ins 3.39(5m)(g)8 & (h)8	Coverage for [25% or 50%] under Medicare Part A or B of first 3 pints of blood or equivalent quantities of packed red blood cells until the out-of-pocket limitation is met.
Medicare Part B Expenses	Ins 3.39(5m)(g)9 & (h)9	Coverage for [25% or 50%] of cost sharing under Medicare Part B after policyholder pays Part B deductible until out-of-pocket limitation is met.
Mandated Benefits	Ins 3.39(5m)(g) 10 & (h) 10	Coverage of 100% of the cost-sharing for at least 175 days per lifetime for inpatient psychiatric hospital care; Home care expenses; Skilled nursing care and kidney disease treatment; Chiropractic services; Treatment of diabetes; Hospital and ambulatory surgery center; Breast reconstruction; 365 home care visits.
Preventive Services	Ins 3.39(5m)(g) 11 & (h) 11	Coverage for 100% of cost sharing for Medicare Part B preventive services after policyholder pays Part B deductible.
Out-of-Pocket Limitation	Ins 3.39(5m)(g) 12 & (h)12	Coverage for 100% of all cost sharing under Medicare Parts A and B for balance of calendar year after individual reached out-of-pocket limitation on annual expenditures under Part A & B indexed annually.
<b>Wisconsin Mandated Benefits</b>		
Disclosure of Mandated Benefits	Ins 9.38(3)	Clear disclosure of all benefit mandates outlined in Wisconsin statutes.
Claim Methodology	Ins 3.39(6) & (5m)(d)6, 9 & 14	<b>Applies to Wisconsin mandated benefits</b> for home care, chiropractic services and treatment of diabetes.
Medicare Supplement 25% and 50% Cost-Sharing Plans Mandated Coverage	Ins 3.39(5m)(g) 10 & (h)10	Coverage for 100% of cost sharing for Wisconsin mandated benefits after policyholder pays Part A and B deductible and meets the out-of-pocket limitation. Those mandated benefits include: inpatient psychiatric hospital care; home health care; skilled nursing care; kidney disease treatment; chiropractic services; diabetic coverage; dental anesthetics and charges; and breast reconstruction.

Medicare Supplement Insurance-High Deductible Plans	Ins 3.39(5m)(k)2	Coverage for 100% of Medicare Part A hospital deductible; 365 home health care visits; Medicare Part B medical deductible; Medicare Part B excess charges; Foreign travel emergency services following payment of the annual high deductible.
Nurse Practitioner	632.87(5)	Coverage for papanicolaou test, pelvic exams, and associated laboratory fees performed by a nurse practitioner, if these services are covered when performed by a licensed physician.
Home Health Care	632.895 (2) & Ins 3.39(5m)(d)6	Minimum of 40 home care visits per contract year Applies to cost-sharing plans.
Skilled Nursing Care	632.895(3) & Ins 3.39(5m)(d)7	30 days per skilled nursing home confinement Applies to cost-sharing plans.
Kidney Disease Treatment	632.895(4) & Ins 3.39(5m)(d)7	Minimum of \$30,000 annual kidney disease benefit (i.e., dialysis, transplantation, donor related services) Applies to cost-sharing plans.
Mental Illness	632.89 & Ins 3.39(5m)(d)8	Coverage for alcoholism, drug abuse, and mental/nervous disorders (Group policies only).
Chiropractic Services	632.87(3) & Ins 3.39(5m)(d)9	Coverage of services received from a chiropractor Applies to cost-sharing plans.
Evaluations Relating to Chiropractic Treatment	632.87(3)(b)1	Evaluation by a licensed chiropractor or a peer review committee that includes a licensed chiropractor regardless of Medicare's claim determination.
Diabetic Coverage	632.895(6) & Ins 3.39(5m)(d)14	Policies that cover diabetes must cover installation and use of infusion pump, all other equipment and supplies for diabetes, including non-prescription insulin or any other non-prescription equipment and supplies for the treatment of diabetes and for costs for test strips and lancet. Does not cover any outpatient prescription medications. Applies to cost-sharing plans.
Facility Charges and Anesthetics for Certain Dental Care	632.895(12) & Ins 3.39(5m)(d)16	Coverage of hospital or ambulatory surgery center charges and anesthetics provided in conjunction with dental care for individual with disability, or individual with medical condition hospitalization or anesthesia for dental care. Applies to cost-sharing plans.
Breast Reconstruction	632.895(13) & Ins 3.39(5m)(d)17	Policies that cover a mastectomy shall provide coverage or breast reconstruction of the affected tissue incident to a mastectomy. Applies to cost-sharing plans.
Cancer Clinical Trial	632.87(6)(b)	No policy or certificate may exclude coverage for the cost of any routine patient care that is administered to an insured in a cancer clinical trial satisfying the criteria that would be covered under the policy or certificate if the insured were not enrolled in a cancer clinical trial.
<b>Permissible Optional Riders</b>		
Permissible Additional Coverage	Ins 3.39(5m)(e)	Permissible additional coverage may only be added as separate rider.
Medicare Part A Deductible Rider	Ins 3.39(5m)(e)1	Covers Part A deductible in full [For Medicare supplement–high deductible plans covers at 100% after deductible].
Medicare 50% Part A Deductible Rider	Ins 3.39(5m)(e)2	Coverage of 50% of the Medicare Part A hospital deductible per benefit period with no out-of-pocket maximum.
Additional Home Health Care Rider	632.895(2)(e) Ins 3.39(5m)(e)3	<b>Shall make available supplemental home care visits.</b> Covers 365 home care visits. [For Medicare supplement–high deductible plans covers at 100% after deductible].

Medicare Part B Deductible Rider	Ins 3.39(5m)(e)4	Covers Part B deductible in full. [For Medicare supplement–high deductible plans covers at 100% after deductible].
Medicare Part B Copayment Or Coinsurance Rider	Ins 3.39(5m)(e)5	Copayment or coinsurance will be the lesser of \$20 per office visit or the Medicare Part B coinsurance and the lesser of \$50 per emergency room visit or the Medicare Part B coinsurance in addition to Part B deductible.
Medicare Part B Excess Charges Rider	Ins 3.39(5m)(e)6	Covers difference between eligible charge and limiting charge. [For Medicare supplement–high deductible plans covers at 100% after deductible].
Foreign Travel Emergency Rider	Ins 3.39(5m)(e)7	Covers 80% of billed charges after \$250 deductible. [For Medicare supplement–high deductible plans covers at 100% after deductible].
<b>Outline of Coverage</b>	<b>Reference</b>	<b>Comments</b>
Readability	Ins 3.39(4s)(b)4	The designation in 24 point type, and caption in 18 point type.
Format	Ins 3.39(4s)(b)5	
Title/Designation	Ins 3.39(4s)(b)4	Medicare Supplement Insurance or Medicare Supplement [50% or 25%] Cost-Sharing Plan, on first page printed in bold print in 24-point type.
Caption	Ins 3.39(4s)(b)4	Printed in bold print in 18-point type as prescribed in Ins 3.39 (5m), (7) or (30m).
Summary of Coverage	Ins 3.39(4s)(b)7 & Appendix 3 and 4	Substantially the same format as Appendix 3 through 6, in 12 point type.
Include Reference to Hospice & Preventive Medical Care	Appendix 3 & 4	Beyond what is covered by Medicare.
Limitations & Exclusions	Appendix 2 (4)	Must be listed under the caption “LIMITATIONS AND EXCLUSIONS” if benefits not provided.
Limitations & Exclusions - Nursing Home Care	Appendix 2 (4)(a)	Beyond what is covered by Medicare and the 30-day skilled nursing mandated by s. 632.895 (3), Wis. Stat.
Limitations & Exclusions – Home Health Care	Appendix 2 (4)(b)	Above number of visits covered by Medicare.
Limitations & Exclusions - Charges Above Medicare’s	Appendix 2 (4)(c)	Physician charges above Medicare’s approved charge.
Limitations & Exclusion - Outpatient Prescription Drugs	Appendix 2 (4)(d)	Outpatient prescription drugs.
Limitations & Exclusion - Care Outside U.S.A.	Appendix 2 (4)(e)	Most care received outside of U.S.A.
Limitations & Exclusion - Miscellaneous Stated Services Unless Eligible Under Medicare	Appendix 2 (4)(f)	Dental care, dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for and the cost of eyeglasses or hearing aids, unless eligible under Medicare.
Limitations & Exclusions - Emergency & Urgent Care Coverage	Appendix 2 (4)(g)	Coverage for emergency care anywhere or for care received outside the service area if this care is treated differently than other covered benefits.

Limitations & Exclusions - Preexisting Conditions	Appendix 2 (4)(h)	Waiting period for pre-existing conditions.
Limitations & Exclusions - Usual & Customary	Appendix 2 (4)(j)	Define and explain usual, customary, and reasonable limitations.
Conspicuous Statements	Appendix 2 (5)	Conspicuous statement with reference to Medicare Handbook.
Renewability or Continuation of Coverage	Appendix 2 (6)	Description of policy provisions respecting renewability or continuation of coverage, including any reservation of rights to change premiums.
Benefit Appeal Procedure	632.84(2)(b) Ins 3.55(4), Appendix 2(9)	Description of the review and appeal procedure for denial of benefits.
Grievance Process	632.83 & Ins 3.39(4s)(a)12 Ins 18.03(1)(a) & (3)	Grievance procedure <b>applies to Wisconsin mandated benefits</b> . May not require insured to exhaust grievance process prior to filing legal action.
<b>Application</b>	<b>Reference</b>	<b>Comments</b>
Acknowledgement	Ins 3.39(4)(b)1	Requires written acknowledgement of receipt of outline.
Application Statements	Ins 3.39(23)(a)	Statements in application or supplementary form signed by the applicant and agent. Statements (3) & (4) involve Medicaid and employer or union-based group health plan.
Application Questions	Ins 3.39(23)(a)	Questions in application or supplementary form signed by the applicant and agent.
Open Enrollment	Ins 3.39(23)(e)	Statement that health questions, including height & weight and any tobacco related question, should not be answered if the applicant is in the open-enrollment period.
Treatment History	631.20	"Planning to have treatment" language is misleading and obscure.
Genetic Testing	631.89, 632.748 & Ins 3.39(36)	May not deny or condition the issuance or effectiveness of policy or certificate on the basis of genetic information.
AIDS/HIV Questions	631.90 Ins 3.53(4)	Disclose that reporting of HIV test results limited to FDA-licensed test & consumer need not report results of tests conducted at anonymous counseling & testing site or through use of home test kit.
AIDS/HIV Disclosure	631.90 Ins 3.53	Disclose that AIDS/ARC must be diagnosed and/or treated by a member of the medical profession
Personal Medical Information Disclosure Authorization	610.70(2)	If form authorizes disclosure of personal medical information, specific information must be included in disclosure authorization.
Application or Service Fee	Ins 3.39(4s)(e)	Allowed if included in actuarial memorandum.
Electronic Signature	Ins 3.39(18)	Verification of the enrollment information shall be provided in writing to the applicant with delivery of the policy.
Application Form Available on the Internet		Internet applications must be filed unless the online view is identical to paper application.
Replacement Form	Ins 3.39 Appendix 7	Notice to be filed as shown in Appendix 7
Notice of Right to File a Complaint	631.28, Ins 6.85 (4)	Notice described under s. Ins 6.85 Appendix 1 or 2, Wis. Adm. Code.

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