**Section 2008.74 Open Enrollment**

a) Notwithstanding any Medicare Part B late enrollment penalty, no issuer shall deny or condition the issuance or effectiveness of any Medicare supplement policy or certificate available for sale in this State, nor discriminate in the pricing of such a policy or certificate because of the health status, claims experience, receipt of health care, or medical condition of an applicant in the case of an application for a policy or certificate that is submitted prior to or during the 6 month period beginning with the first day of the month in which an individual is both 65 years of age or older and is enrolled for benefits under Medicare Part B. Each Medicare supplement policy and certificate currently available from an insurer shall be made available to all applicants who qualify under this subsection (a) without regard to age.

b) If an applicant qualifies under subsection (a) and submits an application during the time period referenced in subsection (a) and, as of the date of application, has had a continuous period of creditable coverage:

1) Of at least 6 months, the issuer shall not exclude benefits based on a preexisting condition, or

2) That is less than 6 months, the issuer shall reduce the period of any preexisting condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The Secretary shall specify the manner of the reduction under this subsection (b)(2).

c) Except as otherwise provided in subsection (b), Section 2008.75 or Section 2008.104, subsection (a) of this Section shall not be construed as preventing the exclusion of benefits under a policy, during the first 6 months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the 6 months before the coverage became effective.

d) Sections 363(6)(a)(i), (b), and (c) of the Code shall apply to individuals who qualify under those provisions without regard for age or any Medicare Part B late enrollment penalty.

(Source: Amended at 47 Ill. Reg. 16454, effective November 1, 2023)