**Section 2008.91 Instructions for Use of the Disclosure Statements for Health Insurance Policies Sold to Medicare Beneficiaries that Duplicate Medicare**

a) Section 1882(d) of the federal Social Security Act prohibits the sale of health insurance policies (the term policy or policies includes certificates) that duplicate Medicare benefits unless the policy will pay benefits without regard to other health coverage and the policy includes the prescribed disclosure statement on, or together with, the application.

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

c) 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.

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

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

f) Traditional Long-Term Care or Long-Term Care Partnership insurance policies that coordinate with Medicare and other health insurance are not considered to provide benefits that duplicate Medicare.

g) The Federal law does not preempt Illinois law.

h) The Federal law does not preempt existing Illinois form filing requirements.

i) Section 1882 of the federal Social Security Act was amended in subsection (d)(3)(A) to allow for alternative disclosure statements. The disclosure statements already in Appendix Q remain. Issuers may use either disclosure statements with the requisite insurance product. However, issuers should use either the original disclosure statements found in Appendix Q of this Part or the alternative disclosure statements, not use both simultaneously.

(Source: Amended at 23 Ill. Reg. 3704, effective March 10, 1999)