

## SECTION

# Your Right to Buy a Medigap Policy

# 3

## What are guaranteed issue rights?

**Guaranteed issue rights** are your rights to buy certain Medigap policies in certain situations outside of your **Medigap Open Enrollment Period**. In these situations, an insurance company must:

- Sell you a Medigap policy.
- Cover all your pre-existing health conditions.
- Not charge you more for a Medigap policy regardless of past or present health problems.

If you live in Massachusetts, Minnesota, or Wisconsin, you have guaranteed issue rights to buy a Medigap policy, but the Medigap policies are different. Go to pages 42–44 for your Medigap policy choices.

## When do I have guaranteed issue rights?

In most cases, you have a guaranteed issue right when you have other health coverage that changes in some way, like when you lose the other health coverage. In other cases, you have a “trial right” to try a **Medicare Advantage Plan** and still buy a Medigap policy if you change your mind. For information on trial rights, go to page 23.

Words in blue are defined on pages 49–50.

## Medigap guaranteed issue right situations

The chart on this page and the next page describes the most common situations, under federal law, that give you a right to buy a policy, the kind of policy you can buy, and when you can or must apply for it. States may offer additional Medigap [guaranteed issue rights](#).

You have a guaranteed issue right if...	You have the right to buy...	You can/must apply for a Medigap policy...
<p>You have a <a href="#">Medicare Advantage Plan</a>, and your plan is leaving Medicare or stops giving care in your area, or you move out of the plan's service area.</p>	<p>Medigap Plan A, B, C*, D*, F*, G*, K, or L that's sold in your state by any insurance company.</p> <p>You only have this right if you switch to Original Medicare rather than join another Medicare Advantage Plan.</p>	<p>As early as 60 calendar days before the date your Medicare Advantage Plan coverage will end, but no later than 63 calendar days after your coverage ends. Medigap coverage can't start until your Medicare Advantage Plan coverage ends.</p>
<p>You have Original Medicare and an employer group health plan (including retiree or COBRA coverage) or union coverage that pays after Medicare pays and that plan is ending.</p> <p><b>Note:</b> In this situation, you may have additional rights under state law.</p>	<p>Medigap Plan A, B, C*, D*, F*, G*, K, or L that's sold in your state by any insurance company.</p> <p>If you have COBRA coverage, you can either buy a Medigap policy right away or wait until the COBRA coverage ends.</p>	<p>No later than 63 calendar days after the latest of these 3 dates:</p> <ol style="list-style-type: none"> <li>1. Date the coverage ends.</li> <li>2. Date on the notice you get telling you that coverage is ending (if you get one).</li> <li>3. Date on a claim denial, if this is the only way you know that your coverage ended.</li> </ol>
<p>You have Original Medicare and a <a href="#">Medicare SELECT</a> policy. You move out of the Medicare SELECT policy's service area.</p> <p>Call the Medicare SELECT insurance company for more information about your options.</p>	<p>Medigap Plan A, B, C*, D*, F*, G*, K, or L that's sold by any insurance company in your state or the state you're moving to.</p>	<p>As early as 60 calendar days before the date your Medicare SELECT coverage will end, but no later than 63 calendar days after your Medicare SELECT coverage ends.</p>

**\*Note:** Plans C and F are no longer available to people new to Medicare on or after January 1, 2020. However, if you were eligible for Medicare before January 1, 2020, but not yet enrolled, you may be able to buy Plan C or Plan F. People new to Medicare on or after January 1, 2020, have the right to buy Plans D and G instead of Plans C and F.

## Medigap guaranteed issue right situations (continued)

You have a guaranteed issue right if...	You have the right to buy...	You can/must apply for a Medigap policy...
<p><b>(Trial right)</b> You joined a <a href="#">Medicare Advantage Plan</a> or Program of All-inclusive Care for the Elderly (PACE) when you were first eligible for Medicare Part A at 65, and within the first year of joining, you decide you want to switch to Original Medicare.</p>	<p>Any Medigap policy that's sold in your state by any insurance company.*</p>	<p>As early as 60 calendar days before the date your coverage will end, but no later than 63 calendar days after your coverage ends.</p> <p><b>Note:</b> Your rights may last for an extra 12 months under certain circumstances.</p>
<p><b>(Trial right)</b> You dropped a Medigap policy to join a Medicare Advantage Plan (or to switch to a <a href="#">Medicare SELECT</a> policy) for the first time, you've been in the plan less than a year, and you want to switch back.</p>	<p>The Medigap policy you had before you joined the Medicare Advantage Plan or Medicare SELECT policy, if the same insurance company you had before still sells it.</p> <p>If your former Medigap policy <b>isn't</b> available, you can buy Medigap Plan A, B, C*, D*, F*, G*, K, or L that's sold in your state by any insurance company.</p>	<p>As early as 60 calendar days before the date your coverage will end, but no later than 63 calendar days after your coverage ends.</p> <p><b>Note:</b> Your rights may last for an extra 12 months under certain circumstances.</p>
<p>Your Medigap insurance company goes bankrupt and you lose your coverage, or your Medigap policy coverage otherwise ends through no fault of your own.</p>	<p>Medigap Plan A, B, C*, D*, F*, G*, K, or L that's sold in your state by any insurance company.</p>	<p>No later than 63 calendar days from the date your coverage ends.</p>
<p>You leave a Medicare Advantage Plan or drop a Medigap policy because the company hasn't followed the rules, or it misled you.</p>	<p>Medigap Plan A, B, C*, D*, F*, G*, K, or L that's sold in your state by any insurance company.</p>	<p>No later than 63 calendar days from the date your coverage ends.</p>

\***Note:** Plans C and F are no longer available to people new to Medicare on or after January 1, 2020. However, if you were eligible for Medicare before January 1, 2020, but not yet enrolled, you may be able to buy Plan C or Plan F. People new to Medicare on or after January 1, 2020, have the right to buy Plans D and G instead of Plans C and F.

## Can I buy a Medigap policy if I lose my health coverage?

You may have a [guaranteed issue right](#) to buy a Medigap policy if you lose your health coverage, so make sure you keep these:

- A copy of any letters, notices, emails, and/or claim denials that have your name on them as proof of your coverage being terminated.
- The postmarked envelope these papers come in as proof of when it was mailed.

You may need to send a copy of some or all of these papers with your Medigap application to prove you have a guaranteed issue right.

If you have a [Medicare Advantage Plan](#) but you're planning to return to Original Medicare, you can apply for a Medigap policy before your plan coverage ends. The Medigap insurance company can sell it to you as long as you're leaving the Medicare Advantage Plan. Ask that the new policy take effect when your Medicare Advantage enrollment ends, so you'll have continuous health coverage.

## For more information about Medigap rights

If you have any questions or want to learn about any additional Medigap rights in your state, you can:

- Call your [State Health Insurance Assistance Program \(SHIP\)](#) to make sure that you qualify for any of these guaranteed issue rights. (Go to pages 47–48.)
- Call your [State Insurance Department](#) if you're denied Medigap coverage in any of these situations. (Go to pages 47–48.)

**Important:** The guaranteed issue rights in this section are from federal law. These rights apply to Medigap and [Medicare SELECT](#) policies. Many states provide additional Medigap rights.

There may be times when more than one of the situations in the chart on pages 22–23 applies to you. When this happens, you can choose the guaranteed issue right that gives you the best choice.

Some of the situations listed include loss of coverage under Program of All-inclusive Care for the Elderly (PACE). PACE combines medical, social, and long-term care services, and prescription drug coverage for frail older adults who need nursing home services but are capable of living in the community. To be eligible for PACE, you must meet certain conditions. PACE may be available in states that have chosen it as an optional [Medicaid](#) benefit. If you have Medicaid, an insurance company can sell you a Medigap policy **only** in certain situations. To find a PACE plan in your area, visit [Medicare.gov/plan-compare/#/pace](https://www.Medicare.gov/plan-compare/#/pace). For more information about PACE, visit [Medicare.gov](https://www.Medicare.gov), or call 1-800-MEDICARE (1-800-633-4227). TTY users can call 1-877-486-2048.