

# FAQ: WHAT'S NEW FOR MEDICARE ELIGIBLE INDIVIDUALS UNDER AGE 65?

The 2020 Virginia General Assembly passed legislation, Virginia Code [§38.2-3610](#), requiring an insurer, health services plan or health maintenance organization that issues Medicare Supplement plans (also known as Medigap) in Virginia to offer the option to buy at least one of its Medigap plans if you are:

- Under age 65 and live in Virginia,
- Eligible for Medicare by reason of disability, and
- Either enrolled or will be enrolled in Medicare Parts A and B by the effective date of coverage.

## When does the new Medigap Enrollment period begin?

Effective **January 1, 2021**, individuals meeting the eligibility requirements of Virginia Code [§38.2-3610 A](#), will be able to enroll in a Medigap policy. The enrollment periods are as follows:

- An individual eligible on or after January 1, 2021 will have a six-month period to apply beginning with the first month the individual is eligible for Medicare by reason of disability;
- An individual who became eligible prior to January 1, 2021 will have a six month period to apply beginning January 1, 2021;
- In the case of a retroactive eligibility decision, individuals will have a six-month period beginning January 1, 2021 or the month the person receives the retroactive eligibility decision, whichever is later; or
- Upon the request of an individual, a 63-day period following voluntary or involuntary termination of coverage under a group health plan, or a six-month period beginning January 1, 2021, whichever period provides the later date to enroll.

## Are these Medigap plans guaranteed issue?

Yes, these Medigap plans are guaranteed issue when the individual meets the eligibility requirements of Virginia Code [§38.2-3610 A](#). This means the carrier must issue and continue the policy or certificate at the option of the individual or group if premiums are paid.

## What is considered creditable coverage?

Creditable coverage includes Medicaid, Medicare Parts A and B, and group and individual health insurance coverage. For a complete definition of creditable coverage, refer to Virginia Code [§38.2-3431](#).

## Is there a trial right period?

There are no trial rights for a Medigap plan like the trial right period for a Medicare Advantage plan. Under Virginia Code [§38.2-3604](#), an individual has a 30-day right to return (free-look period) a Medigap policy for a full premium refund if not satisfied with the policy.

## Will underwriting be required?

Coverage for the Medigap plan offered must be provided if you pay your premium and meet eligibility requirements. Premiums may vary based on underwriting, such as age, gender and tobacco.

## Can an insurance company impose a pre-existing condition waiting period?

Carriers cannot exclude benefits based on pre-existing conditions if there is at least a six-month period of continuous creditable coverage. If the individual does not have a full six months of creditable coverage, the pre-existing waiting period will be reduced by the amount of creditable coverage the individual had. For example, if the individual has 4 months of creditable coverage, the pre-existing waiting period is reduced to 2 months.

## Does Medicare coverage establish creditable coverage?

Medicare is considered creditable coverage.

## Will an individual be eligible to get a Medigap plan during the six-month period if currently enrolled in a Medicare Advantage plan?

Individuals enrolled in a Medicare Advantage plan must disenroll and return to Original Medicare before obtaining a Medigap plan.

Visit [Medicare.gov](https://www.Medicare.gov) to learn when you can join, switch, or drop a Medicare Advantage Plan.

## Are Medigap insurers in Virginia allowed to charge disabled Medicare eligible individuals under age 65 different premiums from the senior Medicare eligible?

Yes. See Virginia Code [§38.2-3610 D](#).

## Where can I find a list of insurance companies that sell Medigap policies to disabled Medicare eligible individuals under age 65 and a list of their premiums?

The Bureau of Insurance provides a list of approved Medigap plans in the [premium comparison guide](#). The Bureau is in the process of reviewing plans that were submitted to become effective January 1, 2021. The guide will be updated as plans are approved.

## When I turn 65, will I receive a new six-month open enrollment period?

Yes, you will have a new six-month open enrollment period and be able to purchase any of the standardized Medigap plans. At that time, you may have a wider choice of Medigap plans and get a lower premium.

### IMPORTANT CONTACTS

**Virginia Bureau of Insurance -  
Life and Health Consumer Services**

- General insurance-related questions
- Investigate insurance-related complaints

1-877-310-6560  
(804) 371-9691 (Richmond)  
[BureauofInsurance@scc.virginia.gov](mailto:BureauofInsurance@scc.virginia.gov)  
<https://scc.virginia.gov/pages/consumers>

**Virginia Insurance Counseling and  
Assistance Program (VICAP)**

- Free, unbiased insurance benefits counseling

1-800-552-3402  
(804) 662-9333 (Richmond)  
[Aging@vda.virginia.gov](mailto:Aging@vda.virginia.gov)  
[www.vda.virginia.gov/vicap.htm](http://www.vda.virginia.gov/vicap.htm)