

Guaranteed Issue Rights are rights you have in certain situations when insurance companies are required by law to sell or offer you a Medicare Supplement (Medigap) policy even if you have health problems (called "pre-existing conditions.").

In these situations, an insurance company:

- Must sell you a Medigap policy,
- Must cover all your pre-existing conditions, and
- Can't charge you more for a Medigap policy because of past or present health problems.

In many cases, you have a guaranteed issue right when you have other health coverage that changes in some way, such as when you lose or drop the other health care 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.

An insurance company can't refuse to sell you a Medigap policy under the following situation:

Guaranteed issue right situation...	You have the right to buy...	When to apply for a Medigap policy...
<p>#1: You are in a Medicare Advantage Plan, 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, F, K, or L that is sold in your state by any insurance company.</p> <p>You only have this right if you switch to Original Medicare rather than joining another Medicare Advantage Plan.</p>	<p>As early as 60 calendar days before the date your health care coverage will end, but no later than 63 calendar days after your health care coverage ends. Medigap coverage can't start until your Medicare Advantage Plan coverage ends.</p>
<p>#2: 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. Note: In this situation, you may have additional rights under state law.</p>	<p>Medigap Plan A, B, C, F, K, or L that is 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> <ul style="list-style-type: none"> • Date the coverage ends • Date on the notice you get telling you that coverage is ending (if you get one) • Date on a claim denial, if this is the only way you know that your coverage ended

Guaranteed issue right situation...	You have the right to buy...	When to apply for a Medigap policy...
<p>#3: You have Original Medicare and a Medicare SELECT policy. You move out of the Medicare SELECT policy's service area.</p> <p>You can keep your Medigap policy, or you may want to switch to another Medigap policy.</p>	<p>Medigap Plan A, B, C, F, K, or L that is sold by any insurance company in your state or the state you are moving to.</p>	<p>As early as 60 calendar days before the date your health care coverage will end, but no later than 63 calendar days after your health care coverage ends.</p>
<p>#4: (Trial Right) You joined a Medicare Advantage Plan or Programs 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 is 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>Note: Your rights may last for an extra 12 months under certain circumstances.</p>
<p>#5: (Trial Right) You dropped a Medigap policy to join a Medicare Advantage Plan (or to switch to a Medicare SELECT policy) for the first time; you have 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 isn't available, you can buy a Medigap Plan A, B, C, F, K or L that is 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>Note: Your rights may last for an extra 12 months under certain circumstances.</p>
<p>#6: 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, F, K, or L that is sold in your state by any insurance company.</p>	<p>No later than 63 calendar days from the date your coverage ends.</p>

Guaranteed issue right situation...	You have the right to buy...	When to apply for a Medigap policy...
#7: You leave a Medicare Advantage Plan or drop a Medigap policy because the company hasn't followed the rules, or it misled you.	Medigap Plan A, B, C, F, K, or L that is sold in your state by any insurance company.	No later than 63 calendar days from the date your coverage ends.
#8: You are covered under an Group Health Plan, which is primary to Medicare. In other words, your group plan would pay claims before Medicare would pay anything. (This is a special situation for Illinois)	Medigap Plan A, B, C, F, K, or L that is sold in your state by any insurance company.	No later than 63 calendar days from the date you voluntarily leave the employer's coverage.

Whenever there is a Guaranteed Issue situation, make sure you keep any documentation that relates to that situation. For example, if you lost your health care coverage for some reason, make sure you keep

- a copy of any letters, notices, and claim denials as proof of coverage
- anything that has your name on it
- the postmarked envelope these papers come in as proof of when it was mailed.

It's important to keep this information because 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 and don't need to answer medical questions.

It's best to apply for a Medigap policy *before* your current health coverage has ended. You can apply for a Medigap policy while you are still in your health plan and choose to start your Medigap coverage the day after your health plan coverage ends. This will prevent breaks in your health coverage.

There may be times when more than one situation applies to you. When this happens, you can choose the guaranteed issue right that gives you the best choice.