**20:06:13:74.  Required offer of replacement coverage without a restricted network provision.** At the request of an individual insured under a Medicare select policy or certificate, a Medicare select issuer must make available to the individual insured the opportunity to purchase a Medicare supplement policy or certificate offered by the issuer which has comparable or lesser benefits and which does not contain a restricted network provision. The issuer must make such policies or certificates available without requiring evidence of insurability after the Medicare select policy or certificate has been in force for six months.

For the purpose of this section, a Medicare supplement policy or certificate is considered to have comparable or lesser benefits unless it contains one or more significant benefits not included in the Medicare select policy or certificate being replaced. For the purpose of this paragraph, a significant benefit means coverage for the Medicare Part A deductible, coverage for prescription drugs, coverage for at-home recovery services, or coverage for Part B excess charges.

**Source:** 22 SDR 107, effective February 18, 1996.

**General Authority:** SDCL 58-17A-2(2), 58-17A-2(11), 58-17A-2(14).

**Law Implemented:** SDCL 58-17A-2.