

Administrative Bulletin 2026-3

Date: August 31, 2026

To: All insurance companies and other regulated entities that deliver or issue Medicare Supplemental policies in Minnesota and other interested parties

Subject: Medicare Supplement Annual Open Enrollment Period

Medicare Supplement Annual Open Enrollment Period (§ 62A.31)

This bulletin provides information regarding the new open enrollment period requirements under Minn. Stat. § 62A.31. It is not intended to alter, in any way, the scope or effect of the underlying law. Please refer to the Minnesota legislative website to view the complete language of Minn. Stat. § 62A.31 ([link](#)). The changes to section 62A.31 are effective August 1, 2026.

Medicare Supplement (Medigap) Open Enrollment Period Requirements

Effective August 1, 2026, health carriers issuing Medigap coverage in Minnesota must offer guaranteed issue for certain individuals when an application for such coverage is submitted during the newly established open enrollment period and the individual meets the applicable requirements under § 62A.31. The information below outlines the statute's requirements.

Guaranteed issue during the open enrollment period

Section 62A.31 provides that an individual is eligible for guaranteed issue during the open enrollment period if (1) that individual is between the ages of 65 and 70 and (2) is applying for Medigap coverage for the first time.

- The age restriction includes all individuals age 65-70 who apply for coverage during the open enrollment period for the first time. Individuals age 71 and older are not eligible for guaranteed issue under the open enrollment period.
- To determine eligibility for guaranteed issue during open enrollment, health carriers should include a question in their Medigap application forms asking if an individual has another Medigap policy or certificate in force. The guaranteed issue for eligible persons during the open enrollment period only applies to individuals who are applying for Medigap coverage for the first time.

Open enrollment periods for Minnesota Medigap policies

Section 62A.3099, subdivision 18b defines the open enrollment period for Medigap policies as “the time period described in Code of Federal Regulations, title 42, section 422.62, paragraph (a), clauses (2) to (4), as amended.” 42 CFR 422.62, paragraph (a), clauses (2) to (4) provide for an “annual coordinated election period” between October 15 and December 7 and the “open enrollment period for individuals enrolled in Medicare Advantage” between January 1 and March 31.

- Applications received between October 15 and December 7 will be for effective coverage starting January 1 of the following year.
- Applications received between January 1 and March 31 will be for effective coverage starting the first day of the following month.
- Additionally, individuals who are institutionalized and between the age of 65 and 70 who are enrolling into a Medigap policy for the first time may do so at any point during the year. This eligibility ends on the last day of the second month after the individual ceases to reside in a care facility as defined in federal code.

Key distinctions of Medigap policies issued during open enrollment

Section 62A.31, subdivision 1r requires a premium surcharge on an individual who enrolls in a Medigap policy outside of the individual’s initial enrollment period in Medicare Part B.

Guaranteed issue policies issued to individuals during open enrollment – individuals who are age 65 to 70 and applying for Medigap coverage the first time — are subject to this premium surcharge. This surcharge is in addition to any standard premium increases, including tobacco usage and geographic area.

- The premium surcharge must be applied uniformly across all plan variants and optional riders.
- The premium surcharge amount shall apply each year an individual is enrolled in their Medigap policy; i.e. the entire duration of the policy.
- The premium surcharge is determined by the year in which an individual enrolls.
 - For an individual who enrolls during the 2026 open enrollment period: 15 percent
 - For an individual who enrolls during the 2027 open enrollment period: 20 percent
 - For an individual who enrolls during the 2028 open enrollment period: 25 percent
 - For an individual who enrolls during the 2029 open enrollment period: 30 percent
 - For an individual who enrolls during the 2030 open enrollment period or any subsequent open enrollment period: 35 percent
- As an example, a 15% surcharge would apply for eligible individuals who enroll during the October 15 to December 7, 2026 open enrollment period. A 20% surcharge would apply for eligible individuals who enroll between either the January 1 to March 31, 2027, or the October 15 to December 7, 2027 open enrollment periods.

Eligibility for Medigap enrollment outside the open enrollment period

Individuals who are not eligible for guaranteed issue under this statute may choose to apply for a Medigap policy with underwriting at any time during the year.

Impact of the new open enrollment period on current Medigap policyholders

Guaranteed issue protections are limited to first-time Medigap enrollees who are age 65 to 70 during the open enrollment period. Changing Medigap policies, unless certain circumstances apply, will result in medical underwriting.

Questions

Questions on this bulletin may be directed to insurance.bulletin@state.mn.us.



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