**20:06:13:75.  Continuation.** Medicare select policies and certificates must provide for continuation coverage if the secretary of health and human services determines that Medicare select policies and certificates issued pursuant to §§ 20:06:13:63 to 20:06:13:76, inclusive, should be discontinued because the Medicare select program was not reauthorized under law or it was substantially amended.

Each Medicare select issuer must make available to each individual insured under a Medicare select policy or certificate the opportunity to purchase any 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 and certificates available without requiring evidence of insurability.

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 purposes 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(7), 58-17A-2(16).

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