

FOR IMMEDIATE RELEASE

MEDIA CONTACT: Natalie Di Sabatino Graef
Delaware Department of Insurance
(302) 443-4779
Natalie.disabatinograef@delaware.gov

**DELAWARE'S MEDICARE "BIRTHDAY RULE" AND NEW ENROLLMENT
PROTECTIONS NOW IN EFFECT**

DOVER, DE (May 13, 2026) – Following the implementation of **Senate Bill 71 (SB 71)** earlier this year, Delaware **Insurance Commissioner Trinidad Navarro** is issuing a reminder to Medicare beneficiaries regarding their expanded rights and new enrollment opportunities. Signed into law on September 3, 2025, this legislation introduces a new "Birthday Rule" and strengthens rights for those transitioning from Medicare Advantage to Original Medicare.

As the 2026 calendar year progresses, many Delawareans are approaching their first "Birthday Rule" window, a critical period that allows for plan adjustments without medical hurdles.

"These reforms empower Delaware seniors with greater flexibility and protection," said **Commissioner Navarro**. "By establishing a guaranteed enrollment window around a policyholder's birthday, we are ensuring that Delawareans can shop for better rates or more suitable coverage without the fear of being denied for pre-existing conditions".

The "Birthday Rule" Special Enrollment Period

Beginning **January 1, 2026**, existing Medicare Supplement (Medigap) policyholders in Delaware have the right to a **Special Enrollment Period (SEP)** annually.

- **Timeline:** The SEP begins 30 days before the policyholder's birthday and lasts for at least 30 days after.
- **Guaranteed Issue:** During this window, policyholders can switch to any Medigap plan with the same or lesser benefits from their current or a different carrier.
- **No Underwriting:** Carriers are prohibited from using medical underwriting, health status, or claims history to deny coverage or increase prices during this SEP.
- **Notification:** Insurance companies must notify eligible policyholders of these rights 30 to 60 days before their birthday.

Applicability

- Applies to Delaware residents who purchased a Medicare Supplement policy in Delaware and still reside in the state.
- Applies to out-of-state policyholders who now reside in Delaware once carriers become aware of their residency.
- Does not apply to Delaware-issued policies where the policyholder has moved out of state.
- Does not apply to Medicare-eligible State of Delaware retirees in relation to their ability to opt-in or opt-out of coverage annually in October and for certain qualifying events under the discretion of the State Employee Benefits Committee.

Transitions from Medicare Advantage

For individuals switching from Medicare Advantage to a Medicare Supplement policy, SB 71 prohibits issuers of Medicare Supplement policies from denying applications for such policies but does allow issuers to individually rate and apply a pre-existing condition limitation.

SB 71 also provides protections for individuals wishing to move from a Medicare Advantage plan back to Original Medicare during federal enrollment periods (**October 15 – December 7 or January 1 – March 31**).

Delaware residents with questions regarding their rights under SB 71 are encouraged to contact the Delaware Medicare Assistance Bureau at the Department of Insurance or visit insurance.delaware.gov.

About the Delaware Medicare Assistance Bureau

The [Delaware Medicare Assistance Bureau](http://insurance.delaware.gov/dmab) provides free one-on-one health insurance counseling for people eligible for Medicare. Residents can call DMAB at 1 (800) 336-9500 or (302) 674-7364 to set up a free, confidential session or visit the DMAB website at insurance.delaware.gov/dmab for important educational resources. Counselors can assist with Medicare, Medicare Advantage, Medigap (Medicare Supplement Insurance), long-term care insurance, billing issues, prescription savings, and much more.

Medicare Advantage plans are regulated at the federal level, though the Insurance Commissioner and his peers are advocating for increased state regulatory authority.

[Be aware of non-compliant alternative health plans](#)

About the Delaware Department of Insurance

The Department of Insurance protects Delawareans through the regulation of the insurance industry, consumer education, and the enforcement of the Delaware Insurance Code.

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