ENROLLED

2022 Regular Session

ACT No. 459

HOUSE BILL NO. 294

BY REPRESENTATIVE NELSON

AN ACT

To enact R.S. 22:1112, relative to the guaranteed issue of Medicare supplement policies; to provide for open enrollment; to require notice to policyholders of open enrollment periods; to prohibit denial or conditioning of coverage under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1112 is hereby enacted to read as follows:

§1112. Medicare supplement guaranteed issue; open enrollment periods; prohibited conditioning of coverage; notice to policyholders

A.(1) If, at the time of an individual's birthday each year, that individual has an existing Medicare supplement policy, the individual shall have an annual open enrollment period commencing with the individual's birthday and lasting for a period of sixty-three calendar days, during which the individual may purchase any Medicare supplement policy offered in this state by the same insurer.

(2) If during the annual open enrollment period, the individual seeks to purchase a Medicare supplement policy that is a standardized policy identified by a plan letter indicating benefits that are equal to or less than the benefits indicated by the plan letter of the individual's previous Medicare supplement policy, the issuer of the chosen Medicare supplement policy shall not deny or condition the issuance or effectiveness of the coverage, nor discriminate in the pricing of the coverage, due to health status, claims experience, receipt of health care, or a medical condition of the individual.

B.(1)(a) If an individual is eligible for Medicare coverage and does not have an existing Medicare supplement policy, but maintained health insurance coverage

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
through the individual's employer at the time the individual became eligible for Medicare coverage, the individual shall have an open enrollment period commencing on any of the following:

(i) The termination date of the individual's employer-based plan.

(ii) The date the employer-based plan ceases to provide some or all health benefits to the individual.

(iii) The date the individual leaves the employer-based plan.

(b) An open enrollment period prescribed in this Subsection shall last for a period of sixty-three calendar days, during which the individual may purchase any Medicare supplement policy offered in this state.

(2) If during the open enrollment period, the individual seeks to purchase a Medicare supplement policy that is a standardized policy identified by a plan letter for which federal law currently provides a guaranteed issue right at the time of the individual's initial eligibility for Medicare coverage, the issuer of the chosen Medicare supplement policy shall not deny or condition the issuance or effectiveness of the coverage, nor discriminate in the pricing of the coverage, due to health status, claims experience, receipt of health care, or a medical condition of the individual.

C. A Medicare supplement policy issuer shall provide notice of the annual open enrollment period for eligible Medicare supplement policyholders at the time the application is made for a Medicare supplement policy or certificate. The notice shall be in a form prescribed by the commissioner.