

2020 Regular Session

HOUSE BILL NO. 131

BY REPRESENTATIVE FIRMMENT

1 AN ACT

2 To amend and reenact R.S. 22:2055(6)(b)(iii) and to enact R.S. 22:2055(6)(b)(xii), relative
3 to claims covered by the Louisiana Insurance Guaranty Association; to exclude
4 claims made by Medicare or Medicare Advantage plans; to exclude claims made by
5 agencies and programs of the federal and state government; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:2055(6)(b)(iii) is hereby amended and reenacted and R.S.
9 22:2055(6)(b)(xii) is hereby enacted to read as follows:

10 §2055. Definitions

11 As used in this Part:

12 * * *

13 (6) "Covered claim" means the following:

14 * * *

15 (b) "Covered claim" shall not include:

16 * * *

17 (iii) Any amount due any reinsurer, insurer, insurance pool or underwriting
18 association, health maintenance organization or plan, preferred provider organization
19 or plan, hospital plan corporation, professional health service corporation, employee
20 retirement fund including but not limited to plans subject to the Employee
21 Retirement Income Security Act of 1974, Medicare or Medicare Advantage,
22 Medicaid, or the self-insured portion due any self-insurer as subrogation recoveries,

1 reinsurance recoveries, contribution, indemnification, or otherwise. In addition, any
 2 person insured under a policy issued by an insolvent insurer shall likewise not be
 3 liable for any subrogation claim or any contractual indemnity claim asserted by any
 4 reinsurer, insurer, insurance pool, underwriting association, health maintenance
 5 organization or plan, hospital plan corporation, professional health service
 6 corporation, preferred provider organization or plan, employee retirement fund
 7 including but not limited to plans subject to the Employee Retirement Income
 8 Security Act of 1974, Medicare or Medicare Advantage, Medicaid, self-insurer, or
 9 any other person with an interest in the claim, other than to the extent the claim
 10 exceeds the association's obligation limitations.

11 * * *

12 (xii) Any claim by any agency or program of the federal government or of
 13 any state or political subdivision thereof.

14 * * *

15 Section 2. This Act shall become effective on July 1, 2020.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____