

2022 Regular Session

HOUSE BILL NO. 294

BY REPRESENTATIVE NELSON

INSURANCE/HEALTH: Provides relative to the guaranteed issue of Medicare supplement policies

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 §1112. Medicare supplement guaranteed issue; open enrollment periods; prohibited  
9 conditioning of coverage; notice to policyholders

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

15 (2) If during the annual open enrollment period, the individual seeks to  
16 purchase a Medicare supplement policy that is a standardized policy identified by a  
17 plan letter indicating benefits that are equal to or less than the benefits indicated by  
18 the plan letter of the individual's previous Medicare supplement policy, the issuer of  
19 the chosen Medicare supplement policy shall not deny or condition the issuance or  
20 effectiveness of the coverage, nor discriminate in the pricing of the coverage, due to

1 health status, claims experience, receipt of health care, or a medical condition of the  
2 individual.

3 B.(1) If an individual is eligible for Medicare coverage and does not have an  
4 existing Medicare supplement policy, but maintained health insurance coverage  
5 through the individual's employer at the time the individual became eligible for  
6 Medicare coverage, the individual shall have an open enrollment period commencing  
7 with the termination date of the individual's employer-based health insurance  
8 coverage and lasting for a period of sixty-three calendar days, during which the  
9 individual may purchase any Medicare supplement policy offered in this state.

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

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

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 294 Engrossed

2022 Regular Session

Nelson

**Abstract:** Requires the guaranteed issue of Medicare supplement policies and prohibits the denial or conditioning of coverage under certain conditions.

Proposed law requires an annual open enrollment period to begin on the birthday of an individual who has an existing Medicare supplement policy. Requires the annual open enrollment period to last for 63 calendar days, during which time the individual may purchase any Medicare supplement policy offered in this state.

Proposed law provides that if during the annual open enrollment period, the individual purchases a standardized Medicare supplement policy identified by a plan letter that indicates benefits 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 is prohibited from denying or conditioning the issuance or effectiveness of the coverage, or discriminating in the pricing of the coverage due to the individual's health status, claims experience, receipt of health care, or medical condition.

Proposed law requires an open enrollment period for an individual who is eligible for Medicare coverage but who does not have an existing Medicare supplement policy, if the individual maintained health insurance coverage through his employer at the time he became eligible for Medicare coverage. Requires the open enrollment period to begin on the termination date of the individual's employer-based health insurance coverage and last for 63 calendar days, during which time the individual may purchase any Medicare supplement policy offered in this state.

Proposed law provides that if during the open enrollment period, the individual purchases a standardized Medicare supplement 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 is prohibited from denying or conditioning the issuance or effectiveness of the coverage, or discriminating in the pricing of the coverage, due to the individual's health status, claims experience, receipt of health care, or medical condition.

Proposed law requires a Medicare supplement policy issuer to provide notice of the annual open enrollment period for eligible Medicare supplement policyholders at the time an application is made for a Medicare supplement policy or certificate. Requires the notice to be in a form prescribed by the commissioner.

(Adds R.S. 22:1112)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the original bill:

1. Remove references to age 65 as the time for which an individual is eligible for Medicare supplemental policies.
2. Increase the open enrollment periods from 45 to 63 days.
3. Make technical changes.