

**ACT No. 459**

2022 Regular Session

HOUSE BILL NO. 294

BY REPRESENTATIVE NELSON

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 by the same insurer.

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  
21 health status, claims experience, receipt of health care, or a medical condition of the  
22 individual.

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

1 through the individual's employer at the time the individual became eligible for  
2 Medicare coverage, the individual shall have an open enrollment period commencing  
3 on any of the following:

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

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

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_