

2026 Regular Session

HOUSE BILL NO. 771

BY REPRESENTATIVE TAYLOR

INSURANCE/HEALTH: Provides relative to Medicare as the secondary payer for retirees with employer-sponsored health insurance

1 AN ACT

2 To enact R.S. 22:1113, relative to Medicare-eligible retirees; to provide relative to Medicare  
3 as a secondary payer for retirees who become reemployed; to require Medicare as  
4 the primary payer to any extent available under federal law; to provide for eligibility;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1113 is hereby enacted to read as follows:

8 §1113. Coordination of benefits; Medicare-eligible retirees; return to employment

9 A. The provisions of this Section apply to any individual who meets all of  
10 the following criteria:

11 (1) Is eligible for benefits under the federal Medicare program.

12 (2) Previously retired from employment.

13 (3) Subsequently returns to active employment and becomes covered by any  
14 health insurance coverage provided through a policy or certificate of insurance  
15 subject to regulation pursuant to state law, a health maintenance organization, an  
16 employer-sponsored health plan, the office of group benefits, or an equivalent  
17 federal or state health plan.

18 B.(1) For purposes of this Section, a health insurance issuer that provides  
19 coverage described in Paragraph (A)(3) of this Section shall coordinate Medicare as  
20 the primary payer for any individual described in Paragraph (A)(1) of this Section,

1           and shall coordinate any health insurance coverage subject to the provisions of this  
2           Section as secondary to Medicare.

3                   (2) A health insurance issuer shall not designate Medicare as a secondary  
4           payer, except where federal law expressly requires otherwise.

5                   C. This Section does not require any action that would conflict with or be  
6           preempted by 42 CFR §411.32 or other applicable federal regulations.

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)]

HB 771 Original

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Taylor

**Abstract:** Requires insurers in the state of La. to coordinate health benefits for retired persons who are Medicare-eligible and who have returned to employment.

Proposed law applies to persons who are eligible for benefits under the federal Medicare program; who previously retired from employment; who subsequently return to active employment; and who become covered by a private health coverage plan provided by the employer.

Proposed law requires, to the maximum extent permitted under federal law, that Medicare be treated as the primary payer for individuals described in proposed law, and further requires a health insurance issuer providing coverage to employed retirees to coordinate benefits as secondary to Medicare.

Proposed law prohibits a health insurance issuer from designating Medicare as a secondary payer, except where federal law expressly requires otherwise.

Proposed law does not require a health insurance issuer to take in any action that would conflict with or be preempted by certain federal regulations.

(Adds R.S. 22:1113)