

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 an individual is at least sixty-five years of age and has an existing
11 Medicare supplement policy, the individual shall have an annual open enrollment
12 period commencing with the individual's birthday and lasting for a period of forty-
13 five 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 selects for
16 purchase a Medicare supplement policy that is a standardized policy identified by a
17 plan letter indicating benefits that are equal to or lesser than the benefits indicated
18 by the plan letter of the individual's previous Medicare supplement policy, the issuer
19 of the selected Medicare supplement policy shall not deny or condition the issuance
20 or effectiveness of the coverage, nor discriminate in the pricing of the coverage, due

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

3 B.(1) If an individual is at least sixty-five years of age 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 attained sixty-five years
6 of age, the individual shall have an open enrollment period commencing with the
7 termination date of the individual's employer-based health insurance coverage and
8 lasting for a period of forty-five calendar days, during which the individual may
9 purchase any Medicare supplement policy offered in this state.

10 (2) If during the open enrollment period, the individual selects for purchase
11 a Medicare supplement policy that is a standardized policy identified by a plan letter
12 for which federal law provides a guaranteed issue right at the time of the individual's
13 attainment of sixty-five years of age, the issuer of the selected Medicare supplement
14 policy shall not deny or condition the issuance or effectiveness of the coverage, nor
15 discriminate in the pricing of the coverage, due to health status, claims experience,
16 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.

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 294 Original

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 for an individual who is 65 years of age and has an existing Medicare supplement policy. Requires the annual open enrollment period to begin on the individual's birthday and last for 45 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 lesser than the benefits indicated by the plan letter of the individual's previous Medicare supplement policy, the issuer of the selected 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 65 years of age who does not have an existing Medicare supplement policy, if the individual maintained health insurance coverage through his employer at the time he attained 65 years of age. Requires the open enrollment period to begin on the termination date of the individual's employer-based health insurance coverage and last for 45 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 provides a guaranteed issue right at the time the individual attains age 65, the issuer of the selected 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)