
DIGEST

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Claitor

SB No. 169

Proposed law prohibits a health insurance issuer from seeking reimbursement from an insurer that provides automobile medical payment coverage to the health insurance issuer's insured or member without obtaining prior written consent of the insured or member or his legal representative. However, after a period of nine months from the date of the accident from which medical claims arise, allows the health insurance issuer to seek reimbursement for the full amount of medical payment coverage proceeds.

Proposed law does not prohibit or impair the rights of an insurer or provider from seeking reimbursement of monies paid; however, the total amount to be reimbursed is not to exceed the amount actually paid by the insurer or provider.

Proposed law provides that proposed law shall not apply to Medicare Advantage plans or self-insured plans.

Effective August 15, 2011.

(Adds R.S. 22:1881)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill.

1. Prohibits a health insurance issuer from seeking reimbursement from an insurer that provides automobile medical payment coverage to the health insurance issuer's insured or member without obtaining prior written consent of the insured or member or his legal representative.
2. Provides for the rights of an insurer or provider to seek reimbursement of monies paid pursuant to the insurance policy provided the total amount to be reimbursed shall not exceed the amount actually paid by the insurer or provider.
3. Requires any person seeking to enforce these provisions to be entitled to recover court costs and reasonable attorney fees in any successful action or proceeding.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Insurance to the reengrossed bill.

1. Allows the health insurance issuer to seek reimbursement for the full amount of medical payment coverage proceeds after a period of nine months from the date of the accident from which medical claims arise.
2. Deletes requirement that a person seeking to enforce proposed law be entitled to recover court costs and attorney fees in any action or proceeding to enforce proposed law.
3. Provides that proposed law shall not apply to Medicare Advantage plans or self-insured plans.