

SENATE BILL NO. 169

BY SENATOR CLAITOR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact R.S. 22:1881, relative to automobile liability coverage; to prohibit health insurance issuers from seeking recovery from insurers providing automobile medical payment coverage without written consent for a certain period of time; to prohibit reimbursements that exceed amounts actually paid by an insurer or insurance provider; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1881 is hereby enacted to read as follows:

**§1881. Reimbursement of monies paid to health insurers under automobile medical payment provisions; limitation on amounts reimbursed**

**A. Except as provided in this Section or by agreement between the parties and in accordance with regulations of the Department of Insurance governing the coordination of benefits, no health insurance issuer shall seek reimbursement from an insurer that provides automobile medical payment coverage to the health insurance issuer's insured or member without obtaining the prior written consent of the insured or member or his legal representative. After a period of nine months from the date of the accident from which medical claims arise, the health insurance issuer may seek reimbursement from the medical payments insurer for only the outstanding balance remaining under the automobile policy for medical coverage.**

**B. The provisions of this Section shall not prohibit or impair the rights of an insurer or provider from seeking reimbursement of monies paid pursuant**

1            to an insurance policy, plan, or self-insurance fund provided the total amount  
2            to be reimbursed shall not exceed the amount actually paid by the insurer or  
3            provider.

4            C. The provisions of this Section shall not apply to Medicare Advantage  
5            plans or self-insured plans.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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