

2022 Regular Session

SENATE BILL NO. 366

BY SENATOR HARRIS

INSURERS. Prohibits certain health insurance cost-sharing practices. (gov sig)

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AN ACT

To enact R.S. 22:976.1(E), relative to health insurance; to prohibit certain health insurance cost-sharing practices; to provide definitions; to provide for fairness in enrollee cost-sharing practices; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:976.1(E) is hereby enacted to read as follows:

§976.1. Fairness in enrollee cost-sharing

* * *

E. Cost-sharing calculation. When calculating an enrollee's contribution to any applicable cost sharing requirement, an insurer shall include any cost-sharing amounts paid by the enrollee or on behalf of the enrollee by another person. If application of this requirement results in health savings account ineligibility under 26 U.S.C. 223, this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of the plan after the enrollee has satisfied the minimum deductible under 26 U.S.C. 223, except with respect to items or services that are preventive care pursuant to 26 U.S.C. 223(c)(2)(C), in which case the requirements of this

1 **Subsection shall apply regardless of whether the minimum deductible under 26**
 2 **U.S.C. 223 has been satisfied.**

3 Section 2. This Act shall become effective upon signature by the governor or, if not
 4 signed by the governor, upon expiration of the time for bills to become law without signature
 5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 7 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

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Proposed law provides that when calculating an enrollee's contribution to any applicable cost-sharing requirement, an insurer is to include any cost-sharing amounts paid by the enrollee or on behalf of the enrollee by another person. If application of this requirement results in health savings account ineligibility under federal law relative to health savings accounts (26 U.S.C. 223), this requirement will apply for health savings account-qualified high deductible health plans with respect to the deductible of the plan after the enrollee has satisfied the minimum deductible under the federal law. Provides an exception with respect to items or services that are preventive care pursuant to federal law relative to safe harbor for absence of preventative care deductible (26 U.S.C. 223(c)(2)(C)), then the requirements of proposed law apply regardless of whether the minimum deductible under federal law has been satisfied.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 22:976.1(E))