

2016 Regular Session

HOUSE BILL NO.1151 (Substitute for House Bill No. 849 by Representative Robert Johnson)

BY REPRESENTATIVES ROBERT JOHNSON, BROADWATER, TERRY BROWN, DAVIS, HAVARD, HAZEL, HORTON, MIGUEZ, PYLANT, WILLMOTT, AND ZERINGUE

INSURANCE/HEALTH: Provides relative to notice and appeal of a change in coverage of medically necessary prescription drugs and intravenous infusions

1 AN ACT

2 To amend and reenact R.S. 22:1060.4(A)(introductory paragraph) and (B) and to enact R.S.
3 22:1060.3(C), relative to coverage of medically necessary prescription drugs and
4 intravenous infusions; to provide for notice by a health insurance issuer making a
5 change in such coverage; to provide relative to an appeal of any such change by the
6 insured; to make certain technical changes; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1060.4(A)(introductory paragraph) and (B) are hereby amended
9 and reenacted and R.S. 22:1060.3(C) is hereby enacted to read as follows:

10 §1060.3. Continuation of coverage required; other drugs not precluded

11 * * *

12 C.(1) A health insurance issuer proposing to change its coverage of a
13 particular prescription drug or intravenous infusion based on medical necessity shall
14 give notice of the proposed change to an insured currently using that prescription
15 drug who the health insurance issuer determines the change may affect; however,
16 such notice to an insured shall be required if the health insurance issuer has covered
17 the drug or intravenous infusion for the insured for at least the preceding sixty days.

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 1151 Reengrossed

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Robert Johnson

Abstract: Provides relative to notice and appeal of a change in coverage of medically necessary prescription drugs and intravenous infusions.

Proposed law requires that a health insurance issuer proposing to change its coverage of a particular prescription drug or intravenous infusion based on medical necessity give notice of the proposed change to an insured currently using that prescription drug who the health insurance issuer determines the change may affect; however, specifies that such notice shall be required if the health insurance issuer has covered the drug or intravenous infusion for the insured for at least the preceding 60 days. Requires that any such notice shall be sent at least 60 days prior to the effective date of the proposed change.

Proposed law further provides that any insured receiving such a notice from a health insurance issuer shall have the right to appeal the proposed change during the 60-day notification period in accordance with present law, the state's appeals law, the Internal Claims and Appeals Process and External Review Act. Also requires that, in filing such an appeal, the insured shall document that his physician or authorized prescriber considers continued use of the drug or intravenous infusion to be medically necessary.

Proposed law makes certain technical changes, in particular to references and citations to present law, the state's appeals law, the Internal Claims and Appeals Process and External Review Act.

Proposed law provides that it shall apply only to a health benefit plan delivered, issued for delivery, or renewed on or after Jan. 1, 2017, and shall not apply to a health benefit plan delivered, issued for delivery, or renewed before Jan. 1, 2017.

Effective January 1, 2017.

(Amends R.S. 22:1060.4(A)(intro. para.) and (B); Adds R.S. 22:1060.3(C))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Delete provision specifying that the notice shall not be required if the drug or intravenous infusion has been covered for the insured for less than 60 days. Instead provide that the notice shall be required if the drug or intravenous infusion has been covered for the insured for at least the preceding 60 days.