

SENATE BILL NO. 174

BY SENATOR BERNARD

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AN ACT

To amend and reenact R.S. 22:1063(C), 1068(B)(2), 1074(B)(2), 1091(B)(9), 1092(I), and the introductory paragraph of R.S. 22:2401, relative to health insurance; to make technical changes in references to federal law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1063(C), 1068(B)(2), 1074(B)(2), 1091(B)(9), 1092(I), and the introductory paragraph of R.S. 22:2401 are hereby amended and reenacted to read as follows:

§1063. Prohibiting discrimination against individual participants and beneficiaries based on health status

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C. A health insurance issuer offering group health insurance coverage shall not rescind such coverage with respect to an enrollee or insured once the enrollee or insured is covered under such coverage involved, except that this Subsection shall not apply to an enrollee or insured who has performed an act or practice that constitutes fraud or makes an intentional misrepresentation of material fact. Such coverage may not be cancelled except with prior notice to the enrollee or insured, and ~~only as permitted by~~ **shall comply with any applicable** federal law or regulation ~~pursuant to 42 U.S.C.A. Section 300gg-12, (Public Health Services Act)~~. The provisions of this Subsection shall not apply to limited benefit health insurance policies or contracts, disability income, long-term care, nursing home care, home health care, community based care, dental or vision benefits, Medicare supplement, specified disease or illness, hospital indemnity or other fixed indemnity insurance, workers' compensation or similar insurance.

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§1068. Guaranteed renewability of coverage for employers in the group market

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B. A health insurance issuer may non-renew or discontinue health insurance coverage offered in connection with a group health plan in the small or large group market based only on one or more of the following:

* * *

(2) The plan sponsor has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact. Such health insurance coverage may not be cancelled except with prior notice to the enrollee or insured, and ~~only as permitted by~~ **shall comply with any applicable** federal law or regulation ~~pursuant to 42 U.S.C. A. Section 300gg-12, (Public Health Services Act)~~. The provisions of this Paragraph shall not apply to limited benefit health insurance policies or contracts authorized to be issued in this state. The provisions of this Subsection shall not apply to limited benefit health insurance policies or contracts, disability income, long-term care, nursing home care, home health care, community based care, dental or vision benefits, Medicare supplement, specified disease or illness, hospital indemnity or other fixed indemnity insurance, workers' compensation or similar insurance.

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§1074. Guaranteed renewability of individual health insurance coverage

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B. A health insurance issuer may non-renew or discontinue health insurance coverage of an individual in the individual market based only on one or more of the following:

* * *

(2) The individual has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact. Such health insurance coverage may not be cancelled except with prior notice to the enrollee or insured, and ~~only as permitted by~~ **shall comply with any applicable** federal law or regulation

1 I. For any rate increase that meets or exceeds the federal review threshold,
 2 the department shall post a notice of final determination on its website and undertake
 3 any other actions necessary pursuant to ~~Section 2794 of the Public Health Service~~
 4 ~~Act~~ **federal law**.

* * *

§2401. Requirements of federal laws and regulations; minimum requirements

7 Health insurance issuers shall implement effective processes for appeals of
 8 coverage determinations and claims pursuant to ~~Section 2719 of the Public Health~~
 9 ~~Service Act (42 U.S.C. 300gg-19) and any federal regulations promulgated pursuant~~
 10 ~~thereto by the United States Department of Labor and the United States Department~~
 11 ~~of Health and Human Services.~~ **The processes shall comply with any applicable**
 12 **federal law or regulation.** Under such processes, a health insurance issuer shall, at
 13 a minimum:

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____