

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 44

2020 First Extraordinary Session

Garofalo

INSURANCE/AUTOMOBILE: Enacts the Omnibus Premium Reduction Act of 2020 (Item #40)

Synopsis of Senate Amendments

1. Removes provisions relative to prescription, the jury trial threshold, the right of direct action against an insurer, evidence of the failure to wear a safety belt, annual rate filings with the commissioner of insurance, and an insurance rate reduction.

Digest of Bill as Finally Passed by Senate

Proposed law (R.S. 9:2800.27) provides for definitions:

- (1) "Health insurance issuer" means any health insurance coverage through a policy or certificate of insurance subject to regulation of insurance under state law, health maintenance organization, employer sponsored health plan, the office of group benefits, and an equivalent federal or state health plan.
- (2) "Medical provider" means any health care provider, hospital, ambulance service, or their heirs or assignees.
- (3) "Cost sharing" means copayments, coinsurance, deductibles, and any other amounts which have been paid or are owed by the plaintiff.

Proposed law provides that when a plaintiff's medical expenses have been paid by a health insurance company or Medicare, plaintiff's recovery of medical expenses is limited to the amount actually paid to the health care provider by the insurer or Medicare, and not the amount billed.

Proposed law provides that in cases where a plaintiff's medical expenses are paid pursuant to the La. Workers' Compensation Law, the plaintiff's recovery of medical expenses is limited to the amount payable under the medical payments fee schedule of the La. Workers' Compensation Law.

Proposed law provides that the provisions of proposed law shall become effective on Jan. 1, 2021, and shall have prospective application only and shall not apply to a cause of action arising or action pending prior to Jan. 1, 2021.

(Adds R.S. 9:2800.27)