
SENATE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 29
by Senator Abraham

1 AMENDMENT NO. 1

2 On page 1, delete line 14 in its entirety and insert in lieu thereof the following:

3 **"(a) Medical coverage relative to each of the following:**

4 **(i) Removal of telehealth and telemedicine access restraints.**

5 **(ii) Suspension of physician credentialing requirements.**

6 **(iii) Expansion of remote access to pharmaceutical drugs."**

7 AMENDMENT NO. 2

8 On page 1 at the end of line 16 add the following:

9 **"For health and accident insurance and health maintenance organizations, the**
10 **commissioner may require carriers to pay claims for care delivered during the**
11 **first month of the grace period and pend all subsequent claims until any**
12 **arrearages are corrected or the product is permissibly cancelled or nonrenewed.**
13 **The commissioner may require prior notice to providers as a prerequisite for**
14 **nonpayment of claims."**

15 AMENDMENT NO. 3

16 On page 1, line 17 between "of" and "cancellation" insert "involuntary" and change
17 "nonrenewal." to "nonrenewal by the insurer."

18 AMENDMENT NO. 4

19 On page 2, delete line 1 in its entirety.

20 AMENDMENT NO. 5

21 On page 2, line 3, between "all" and "the" insert "of"

22 AMENDMENT NO. 6

23 On page 2, line 8, between "regulation" and "shall" insert ", which"

24 AMENDMENT NO. 7

25 On page 2, below line 10, add the following:

26 **"(3) Any emergency rules or regulations issued by the commissioner**
27 **pursuant to this Subsection shall be subject to legislative oversight in**
28 **accordance with La. R.S. 49:950, et seq. and all of the following:**

29 **(a) If the commissioner finds that an imminent peril to the public health,**
30 **safety, or welfare requires adoption of a rule upon shorter notice than that**
31 **provided in La. R.S. 49:953(A) and within five days of adoption states in writing**
32 **to the governor of the state of Louisiana, the attorney general of Louisiana, the**
33 **speaker of the House of Representatives, the president of the Senate, and the**
34 **Office of the State Register, the reasons for that finding, the commissioner may**

1 proceed without prior notice or hearing or upon any abbreviated notice and
 2 hearing that it finds practicable, to adopt an emergency rule.

3 (b) The commissioner's statement of the reasons for finding it necessary
 4 to adopt an emergency rule shall include specific reasons why the failure to
 5 adopt the rule on an emergency basis would result in imminent peril to the
 6 public health, safety, or welfare, or specific reasons why the emergency rule
 7 meets other criteria provided in this Subsection for adoption of an emergency
 8 rule.

9 (c) The commissioner's statement required in this Paragraph shall be
 10 submitted to the speaker of the House of Representatives and the president of
 11 the Senate at their respective offices in the state capitol by electronic
 12 transmission if such means are available. If electronic means are not available,
 13 the commissioner's statement shall be submitted to the office of the speaker of
 14 the House of Representatives and the president of the Senate in the state capitol
 15 by certified mail with the return receipt requested or by messenger who shall
 16 provide a receipt for signature. The return receipt, the receipt for signature, or
 17 the electronic confirmation receipt shall be proof of receipt of the
 18 commissioner's statement by the respective offices.

19 (d) Within sixty days after receipt of the commissioner's statement by the
 20 presiding officer of either house for an emergency rule, an oversight
 21 subcommittee of that house may conduct a hearing to review the emergency
 22 rule and make a determination of whether the emergency rule meets the criteria
 23 for an emergency rule and those determinations as provided in R.S.
 24 49:968(D)(3). If within that time period an oversight subcommittee finds an
 25 emergency rule unacceptable, it shall prepare a written report containing a
 26 copy of the proposed rule and a summary of the determinations made by the
 27 committee and transmit copies thereof as provided in R.S. 49:968(F)(2).

28 (e) Within sixty days after adoption of an emergency rule, the governor
 29 may review the emergency rule and make the determinations as provided in
 30 Subparagraph (d) of this Paragraph. If within this time period the governor
 31 finds an emergency rule unacceptable, he shall prepare a written report as
 32 provided in Subparagraph (d) of this Paragraph and transmit copies thereof to
 33 the commissioner and the Louisiana Register no later than four days after the
 34 governor makes his determination.

35 (f) Upon receipt by the commissioner of a report as provided in either
 36 Subparagraph (d) or (e) of this Paragraph, the rule shall be nullified and shall
 37 be without effect.

38 (4) No later than June 30, 2021, the commissioner shall promulgate, in
 39 accordance with provisions of the Administrative Procedure Act, rules and
 40 regulations to govern the business of insurance in the event of a declaration of
 41 emergency. The rules and regulations promulgated by the commissioner shall
 42 establish requirements related to insurance policies or health maintenance
 43 contracts under the authority granted by this Part.

44 (5)(a) Any rule adopted pursuant to the authority granted in
 45 Subparagraph (1)(a) of this Subsection and governing medical coverage not
 46 specifically enumerated therein shall be presented by the commissioner to the
 47 Senate Insurance Committee and House Insurance Committee for review and
 48 approval by either committee prior to adoption.

49 (b) Any grace period or temporary postponement of cancellation or
 50 nonrenewal pursuant to Subparagraphs (1)(b) and (c) of this Subsection shall
 51 not remain in effect beyond sixty days unless presented by the commissioner to
 52 the Senate Insurance Committee and House Insurance Committee for review
 53 and approval by either committee prior to any extension.

1 **(c) The House Committee on Insurance and the Senate Committee on**
2 **Insurance meeting jointly or separately to consider an emergency rule**
3 **promulgated pursuant to this Subsection may reject the rule or any provision**
4 **thereof, in which case the rejected rule or provision shall be nullified and shall**
5 **be without effect.**"