

2022 Regular Session

SENATE BILL NO. 276

BY SENATOR TALBOT

HEALTH/ACC INSURANCE. Provides the original intent of the Louisiana Legislature authorized contracts between health insurers and healthcare providers allowed for benefits to be available to its affiliates. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 22:1007(J)(2), relative to health insurers contracts with
3 healthcare providers; to provide the legislature's original intent was to allow
4 contracts between health insurers and healthcare providers and the health insurer
5 may make benefits available to its affiliates; to provide this practice is not an
6 antitrust violation; to provide for retroactivity; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1007(J)(2) is hereby amended and reenacted to read as follows:

9 §1007. Requirements of provider contracts; communications

10 * * *

11 J.(1) * * *

12 (2) Nothing in this Subsection or in any other provision of law, including
13 any provision of Part IV of Chapter 1 of Title 51 of the Louisiana Revised
14 Statutes of 1950, shall prohibit or regulate a managed care organization from
15 enabling its affiliated members from other states to obtain healthcare service benefits
16 while traveling or living in the managed care organization's service area including
17 extending the provisions of the provider contract to provide for such services.

1 Section 2. The provisions of Section 1 of this Act are interpretative of the original
 2 intent of R.S. 22:1007(J)(2), as enacted by Acts 2016, No. 265 because the phrase "nothing
 3 in this Subsection shall prohibit" is a double-negative and a term of art used in Louisiana
 4 statutes, as a double -negative term of art, it means that anything following the "nothing in
 5 this Subsection" language is intended to grant positive rights.

6 Section 3. The provisions of this Act are reflective of what has always been
 7 Louisiana law and therefore shall be retroactive and shall be applicable to all claims existing
 8 or actions pending on its effective date and to all claims or actions filed on or after its
 9 effective date.

10 Section 4. This Act shall become effective upon the signature of the governor or, if
 11 not signed by the governor, upon expiration of the time for bills to become law without
 12 signature by the governor as provided by Article III, Section 18 of the Constitution of
 13 Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act
 14 shall become effective on the date following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Beth O'Quin.

DIGEST

SB 276 Engrossed

2022 Regular Session

Talbot

Present law provides nothing in this law prohibits a managed care organization from enabling its affiliated members from other states to obtain healthcare service benefits while traveling or living in the managed care organization's service area including extending the provisions of the provider contract to provide for such services. Prohibits or regulates a managed care organization from enabling its affiliated members.

Proposed law retains present law but adds or any other provision of law, including any provision of Part IV of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, can regulate present law.

Proposed law provides present law was intended to grant positive rights.

Proposed law provides the provisions of present law are retroactive and are applicable to all claims existing or actions pending on its effective date.

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

(Amends R.S. 22:1007(J)(2))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Makes technical changes.
2. Deletes the provision that the activity and practice authorized in present law is not considered or decreed an antitrust violation or injury and is consistent with the original intent of the legislature and is retroactive to August 1, 2016.
3. Adds to present law that nothing in this law or any other provision of law, including any provision of Part IV of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, can regulate present law.
4. Adds the provisions of this Act are interpretative of the original intent of present law and provides that the law is intended to grant positive rights.
5. Adds the provisions have been in Louisiana statutes and are retroactive and are applicable to all claims existing or actions pending on its effective date.
6. Changes the effective date from 8/1/22 to the governor's signature.