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**HOUSE COMMITTEE AMENDMENTS**

2023 Regular Session

Substitute for Original House Bill No. 427 by Representative Crews as proposed by the House Committee on Health and Welfare

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

To enact Subpart E of Part IV of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1176.1, relative to consumer access to healthcare prices; to provide for duties of facilities and health insurance issuers; to provide for corrective action reports; to provide for duties of the Louisiana Department of Health and the Department of Insurance; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart E of Part IV of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1176.1, is hereby enacted to read as follows:

SUBPART E. HOSPITAL PRICE TRANSPARENCY

§1176.1. Price information required; definitions; enforcement

A. As used in this Subpart:

(1) "Centers for Medicare and Medicaid Services" means the Centers for Medicare and Medicaid Services in the United States Department of Health and Human Services.

(2) "Facility" means a hospital licensed pursuant to R.S. 40:2100 et seq.

(3) "Health insurance issuer" means a health insurance provider certified and licensed in accordance with the provisions of Title 22 of the Louisiana Revised Statutes of 1950.

B.(1) A facility shall comply with the provisions of 42 U.S.C. §300gg-18(e) and 45 CFR Part 180 relative to public price transparency requirements for healthcare facilities.

(2)(a) The Louisiana Department of Health shall monitor and enforce compliance with the provisions of this Subsection. If a facility is not in compliance

with the provisions of this Subsection, the Louisiana Department of Health shall provide written notice, via certified mail, to the facility that clearly explains the manner in which the facility is not in compliance with this Subsection and request a corrective action plan from the facility.

(b) The facility shall have ninety days from receipt of the written notice of noncompliance to submit a corrective action plan. If the facility fails to submit or adhere to a corrective action plan, the Louisiana Department of Health shall file a formal complaint with the Centers for Medicare and Medicaid Services.

C.(1) A health insurance issuer shall comply with Section 2715A of the Public Health Service Act, Section 715(a)(1) of Employee Retirement Income Security Act, and 26 U.S.C. §9815(a)(1) relative to public price transparency requirements of health insurance costs.

(2)(a) The Department of Insurance shall monitor and enforce compliance with the provisions of this Subsection. If a health insurance issuer is not in compliance with the provisions of this Subsection, the Department of Insurance shall provide written notice, via certified mail, to a health insurance issuer that clearly explains the manner in which the health insurance issuer is not compliant with this Subsection and request a corrective action plan from the health insurance issuer.

(b) The health insurance issuer shall have ninety days from receipt of the written notice noncompliance to submit a corrective action plan. If the health insurance issuer fails to submit or adhere to a corrective action plan, the Louisiana Department of Insurance shall file a formal complaint with the United States Department of Treasury.

Section 2. The Department of Insurance shall adopt rules and regulations in accordance with the Administrative Procedure Act to provide for the implementation of Subsection C of this Act by August 1, 2025.

## 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 Draft

2023 Regular Session

**Abstract:** Tasks the Louisiana Department of Health with ensuring that healthcare facilities provide price information for certain services. Tasks the Louisiana Department of Insurance with ensuring health insurance issuers comply with federal law.

Proposed law requires a facility to provide price information to the public for commonly utilized services as provided for in present law (42 U.S.C. §300gg-18(e) and 45 CFR Part 180).

Proposed law provides for definitions.

Proposed law tasks the Louisiana Department of Health with all of the following:

- (1) Monitoring facilities for compliance with present law.
- (2) Providing written notice to noncompliant facilities explaining how the facility is not in compliance with present law.
- (3) Ensuring that a noncompliant facility submit a corrective action plan describing the actions the facility plans to take to become compliant.
- (4) Reporting a facility to the Centers for Medicare and Medicaid Services if the facility fails to submit or adhere to a corrective action plan within 90 days of receiving written notice of noncompliance from the Louisiana Department of Health.

Proposed law requires facilities to comply with present law regarding price transparency to consumers.

Proposed law tasks the Department of Insurance with all of the following:

- (1) Monitoring health insurance issuers for compliance with present law.
- (2) Providing written notice to noncompliant health insurance issuers explaining how the health insurance issuer is not in compliance with present law.
- (3) Ensuring that a noncompliant health insurance issuer submit a corrective action plan describing the actions the health insurance issuer plans to take to become compliant.
- (4) Reporting a health insurance issuer to the United States Department of Treasury if the health insurance issuer fails to submit to a corrective action plan within 90 days of receiving written notice of noncompliance from the Louisiana Department of Insurance.

Proposed law requires health insurance issuers to comply with present law regarding price transparency to consumers.

Proposed law tasks the Louisiana Department of Insurance with promulgating any rules or regulations necessary to implement the provisions of this Act by August, 1<sup>st</sup> 2025.

(Adds R.S. 40:1176.1)