

2023 Regular Session

HOUSE BILL NO. 658 (Substitute for House Bill No. 427 by Representative Crews)

BY REPRESENTATIVE CREWS

HEALTH CARE/FACILITIES: Provides relative to disclosure by healthcare facilities to patients of prices for certain items and services

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

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

11 SUBPART E. HOSPITAL PRICE TRANSPARENCY

12 §1176.1. Price information required; definitions; enforcement

13 A. As used in this Subpart:

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

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

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

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

4 (2)(a) The Louisiana Department of Health shall monitor and enforce
5 compliance with the provisions of this Subsection. If a facility is not in compliance
6 with the provisions of this Subsection, the Louisiana Department of Health shall
7 provide written notice, via certified mail, to the facility that clearly explains the
8 manner in which the facility is not in compliance with this Subsection and request
9 a corrective action plan from the facility.

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

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

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

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

1 Section 2. The Department of Insurance shall adopt rules and regulations in
2 accordance with the Administrative Procedure Act to provide for the implementation of
3 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 658 Original

2023 Regular Session

Crews

Abstract: Tasks the Louisiana Department of Health with ensuring that healthcare facilities provide price information for certain services. Tasks the 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 in accordance with present law.

Proposed law provides for definitions.

Proposed law tasks the Louisiana Dept. of Health (LDH) 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 LDH.

Proposed law requires facilities to comply with present law regarding price transparency to the public for certain healthcare services.

Proposed law tasks the Dept. 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 Dept. of Insurance.

Proposed law requires health insurance issuers to comply with present law regarding price transparency to the public for certain healthcare services.

Proposed law tasks the Dept. of Insurance with promulgating any rules or regulations necessary to implement the provisions of this Act by August, 1st 2025.

(Adds R.S. 40:1176.1)