

RÉSUMÉ DIGEST

ACT 714 (HB 616)

2024 Regular Session

Green

New law requires the La. Dept. of Insurance (LDI) to implement a process for legislators to request actuarial reviews of healthcare legislation.

By Feb. 1, 2025, new law requires LDI to contract with one or more entities with experience in actuarial reviews and healthcare policy for the purpose of performing actuarial reviews. Requires at least one contractor to be an actuary, actuarial firm, university department, or academic faculty based in the state of La. with experience analyzing health insurance premiums. Further requires contractors to be independent and free from conflicts of interest.

New law requires legislators requesting actuarial reviews of legislative proposals to submit requests to LDI no later than Dec. 1st of the year preceding the regular session of the legislature in which the legislative proposal will be introduced.

New law requires contractors to consider in actuarial reviews the predicted effects of the legislative proposal during the year immediately following the effective date of the proposal, or during another time period if such consideration is more actuarially feasible.

New law requires contractors to provide certain information regarding actuarial reviews including but not limited to enrollment estimates of health benefit plans and certain desegregated demographic information.

New law provides for qualitative analysis of the impact of legislative proposals. Authorizes a legislator who requests an actuarial review to designate one or more persons to provide data to contractors to inform a qualitative analysis. Further authorizes contractors performing legislative reviews to use data from any reasonable source, including data collected from insurers, and requires such insurers to provide requested information.

New law provides that reports of actuarial reviews are confidential until the legislative proposal is introduced in the following regular legislative session or, if no proposal is introduced, until after the end of the legislative session following submission of the request.

New law requires LDI to provide written notification to the commissioner of administration and the chairmen of the House Committee on Appropriations and Senate Committee on Finance of the estimated defrayal costs of a state benefit mandate. Upon receipt of the written notification, new law requires the commissioner of administration to request an appropriation to pay the estimated defrayal cost of each enacted legislative proposal prior to implementation in the subsequent plan year.

New law requires insurers to provide actuarial estimates, based on appropriate claims and data of the per-member, per-month amount necessary to defray the cost of the enacted mandate for the subsequent plan year. Further requires estimates to be actuarially sound.

New law requires data and other records disclosed by a health insurer, health plan, or other health insurance issuer to be kept confidential.

New law does not delegate state or federal authority to a non-state entity contractor, including authority to request fiscal impact analyses from the legislative fiscal office, or authority to make determinations regarding the legal status of state benefit mandates.

New law prohibits LDI from engaging a contractor for an actuarial review unless LDI determines there are adequate resources within existing appropriations to pay the contractor.

Prior law provided for the La. Mandated Health Benefits Commission. New law repeals prior law and authorizes the La. State Law Institute to redesignate the citation of new law.

Effective August 1, 2024.

(Adds R.S. 22:2188; Repeals R.S. 22:2187)