

Regular Session, 2014

SENATE BILL NO. 244

BY SENATOR MORRISH

INSURANCE RATES. Provides with respect to rate filings with the commissioner of insurance. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(11) and to enact R.S. 22:972(D), relative to the
3 approval and disapproval of forms and filing of rates; to provide with respect to the
4 exemption from disclosure of all policy forms and premium rates filed with the
5 commissioner; to provide for exemptions to Public Records Law; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:972(D) is hereby enacted to read as follows:

9 §972. Approval and disapproval of forms; filing of rates

10 * * *

11 **D. All such policy forms and premium rates filed with the commissioner**
12 **shall be exempt from disclosure to any person under R.S. 44:1 et seq., the Public**
13 **Records Law. This exemption from disclosure shall remain in effect until such**
14 **policy form and premium rates are released by the health insurance issuer by**
15 **offering these products for sale to the public either on the open market or**
16 **through Louisiana's federally facilitated or other health insurance exchange.**

17 Section 2. R.S. 44:1(B)(11) is hereby amended and reenacted to read as follows:

1 §4.1. Exceptions

2 * * *

3 B. The legislature further recognizes that there exist exceptions, exemptions,
4 and limitations to the laws pertaining to public records throughout the revised
5 statutes and codes of this state. Therefore, the following exceptions, exemptions, and
6 limitations are hereby continued in effect by incorporation into this Chapter by
7 citation:

8 * * *

9 (11) R.S. 22:2, 14, 31(B), 42.1, 88, 244, 461, 572, 572.1, 574, 618, 732, 752,
10 753, 771, **972(D)**, 1019.2(B)(5)(a), 1203, 1460, 1466, 1546, 1644, 1656, 1723, 1927,
11 1929, 1983, 1984, 2036, 2303.

12 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cheryl Horne.

DIGEST

Morrish (SB 244)

Present law provides that no policy of health and accident insurance shall be delivered or issued for delivery in this state, nor any endorsement, rider, or application that becomes part of any such policy be used in connection therewith until a copy of the form and premium rates and the classifications of risks pertaining thereto have been filed with the commissioner of insurance. Requires the commissioner to provide written notification to the insurer that has filed the form if it does not comply with provisions of present law. Upon such notice, it is unlawful for such insurer to issue such form in this state. Permits an aggrieved party affected by the commissioner's act to demand a hearing in accordance with present law.

Present law permits the commissioner to withdraw his approval of any such form on any of the grounds stated in present law. Provides that it shall be unlawful for the insurer to issue such form or use it in connection with any policy after the effective date of such withdrawal of approval. Prohibits the commissioner from disapproving or withdrawing the approval of any such policy on the ground that its provisions do not comply with health and accident policy provision requirements as stated in present law or on the ground that it is not printed in uniform type if it can be shown that the rights of the insured or beneficiary under the policy as a whole are not less favorable than the rights provided in present law.

Proposed law exempts all policy form and premium rates filed with the commissioner from disclosure to any person under the Public Records Law. This exemption from disclosure remains in effect until the policy form and premium rates are released by the health insurance issuer by offering these products for sale to the public.

Effective August 1, 2014.

(Amends R.S. 44:4.1(B)(11); adds R.S. 22:972(D))