

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. Policy forms and premium rates for major medical health and**
12 **accident and dental policies, including but not limited to policies subject to the**
13 **requirements of Title I of Public Law 111-148, shall be exempt from disclosure**
14 **under R.S. 44:1 et seq., the Public Records Law, until the commencement of the**
15 **open enrollment period of the policy year during which the forms and rates are**
16 **to be utilized. A health insurance issuer, including a health maintenance**
17 **organization, shall mark such filings as confidential or proprietary in order to**

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 forms and premium rates for major health and accident and dental policies from disclosure to any person under the Public Records Law. This exemption from disclosure remains in effect until the beginning of the open enrollment period of the policy year in which the forms and rates are to be utilized. In order to qualify for such exemption, all health insurance issuers, including health maintenance organizations, shall mark all filings as confidential or proprietary.

Proposed law provides that the exemption authorized herein shall not prevent the commissioner from publishing a summary or description of rate filings in the course of an effective rate review program in accordance with federal law.

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

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

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Deletes provisions relating to policy forms and premium rates being exempt from disclosure until the policy forms and rates are released by the insurer for sale to the public.
2. The wording in this new law is clarified and the policy forms and premium rates which are exempted from disclosure includes major health and accident and dental policies.
3. Such policies are exempt from the requirements of the Public Records Law until the beginning of the open enrollment period in which the forms and rates are to be used.
4. Issuers of such policies, including health maintenance organizations, who seek to be exempted shall mark filings of forms and rates clearly marked as confidential or proprietary in order to be considered exempt.
5. The exemption provided in this section of the statute shall not prevent the commissioner from making public a summary or description of rate filings in the course of an effective rate review program as required by Sec. 2794 of the Public Health Service Act.
6. The bill shall be effective upon signature of the governor or the lapse of time for gubernatorial action.