

2021 Regular Session

HOUSE BILL NO. 463

BY REPRESENTATIVE ILLG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURANCE/HEALTH: Authorizes the establishment of a state-based health insurance exchange and assessments thereto

1 AN ACT

2 To amend and reenact R.S. 22:2471 and to enact R.S. 22:1090.1, relative to authorizing the  
3 establishment of a state-based health insurance exchange; to authorize the  
4 commissioner of insurance to apply for a state innovation waiver relative to  
5 implementing the state-based health insurance exchange; to provide a certain  
6 assessment for funding; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:2471 is hereby amended and reenacted and R.S. 22:1090.1 is  
9 hereby enacted to read as follows:

10 §1090.1. Assessment for state-based health insurance exchange

11 A. In addition to all other taxes and assessments, each insurer offering any  
12 health insurance coverage through an exchange established by the state of Louisiana  
13 pursuant to 42 U.S.C. 18031 or other provision of federal law shall, on July first of  
14 each year and by July thirtieth of each year, be assessed by and transmit to the  
15 commissioner of insurance a sum not to exceed two percent of the amount of  
16 premiums received in this state by the insurer for such health insurance coverage  
17 during the preceding year ending December thirty-first.

18 B. On or before March first of each year, each insurer shall file with the  
19 commissioner, on a form prescribed and provided by the commissioner, information  
20 requested by the commissioner to determine the total premiums received by each

1 insurer subject to this Section during the preceding calendar year and to calculate the  
2 basis of the July first assessment.

3 C. The commissioner shall provide notice of the annual assessment  
4 percentage amount for each calendar year to the Louisiana Register to be published  
5 no later than July first of each year.

6 D. The commissioner shall establish the annual assessment percentage  
7 amount based on the estimated operational, administrative, contractual, and other  
8 costs of operating the state-based health insurance exchange. In determining the  
9 costs of operating the state-based health insurance exchange, the commissioner shall  
10 deduct any unexpended funds from prior assessments or other appropriations.

11 \* \* \*

12 §2471. Authority of the commissioner

13 A. The commissioner may apply on behalf of the state of Louisiana for a  
14 state innovation waiver pursuant to Section 1332 of Public Law 111-148, 42 U.S.C.  
15 18052, ~~and to establish and implement a reinsurance program administered pursuant~~  
16 ~~to the state innovation waiver~~ either or both of the following:

17 (1) A reinsurance program.

18 (2) A state-based health insurance exchange.

19 B. No reinsurance program authorized by this Section shall be created until  
20 the application for a state innovation waiver is approved by the appropriate  
21 departments or agencies of the federal government.

22 C. The commissioner may create and implement a state-based health  
23 insurance exchange directly or through contracted services and with or without the  
24 waiver provided for in Subsection A of this Section. Such exchange shall be funded  
25 through the proceeds of the assessment provided for in R.S. 22:1090.1.

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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)]

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HB 463 Original

2021 Regular Session

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**Abstract:** Authorizes a state-based health insurance exchange and fee assessments payable by insurers.

Proposed law authorizes the commissioner of insurance to assess a fee from insurers offering health insurance coverage through a La.-based health insurance exchange. Requires the assessment from insurers not to exceed 2% of the amount of premiums received by the insurers during the previous calendar year. Further provides for the fee to be assessed by and made payable to the commissioner annually between July 1 and July 30.

Proposed law requires each insurer to file with the commissioner, on a form prescribed and provided by the commissioner, information requested to determine the total premiums received by each insurer in the preceding calendar year and to calculate the assessment. Further requires the insurer to file the prescribed form annually by March 1.

Proposed law requires the commissioner to provide notice of the annual assessment percentage amount for each calendar year to the Louisiana Register to be published annually no later than July 1.

Proposed law requires the commissioner to establish the annual assessment percentage amount based on the estimated operational, administrative, contractual, and other costs of operating the state-based health insurance exchange. Further requires the commissioner to deduct any unexpended funds from prior assessments or other appropriations in his determination of costs to operate the state-based health insurance exchange.

Present law authorizes the commissioner to apply for a state innovation waiver to establish and implement a reinsurance program.

Proposed law expands present law to authorize application for a state innovation waiver to establish a state-based health insurance exchange. Otherwise retains present law.

Proposed law authorizes the commissioner to create and implement a state-based health insurance exchange directly or through contracted services and with or without the state innovation waiver provided for in proposed law.

Proposed law requires funding for the state-based health insurance exchange through the proceeds of insurers' assessments provided for in proposed law.

(Amends R.S. 22:2471; Adds R.S. 22:1090.1)