

2021 Regular Session

SENATE BILL NO. 181

BY SENATOR BOUDREAUX

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

INSURERS. Provides relative to health insurance coverage modifications and unfair or deceptive practices. (8/1/21)

1 AN ACT

2 To amend and reenact R.S. 22:1068(D)(3), 1074(D)(3), and 1964(15)(a)(ii), relative to
3 health insurance; to provide for the guaranteed renewability of health insurance
4 coverage; to authorize the modification of drug coverage under certain
5 circumstances; to provide for unfair methods, acts, or practices by health insurers
6 against certain pharmacies and pharmacists; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1068(D)(3), 1074(D)(3), and 1964(15)(a)(ii) are hereby amended
9 and reenacted to read as follows:

10 §1068. Guaranteed renewability of coverage for employers in the group market

11 * * *

12 D. A health insurance issuer may modify health insurance coverage offered
13 to a group health plan if each of the following conditions is met:

14 * * *

15 (3) The issuer notifies, on a form approved by the Department of Insurance,
16 each affected covered small or large employer and enrollee of the modification,
17 including modification of coverage of a particular product or modification of drug

1 coverage, not later than the sixtieth day before the date the modification is effective.

2 Notwithstanding the requirements of Paragraph (1) of this Subsection,
3 modification of drug coverage for any drug increasing over three hundred
4 dollars per prescription or refill with an increase in the wholesale acquisition
5 cost of at least twenty-five percent in the prior three hundred sixty-five days
6 may occur at any time provided that thirty-day notice of the modification of
7 coverage is given. The thirty-day notice of modification of coverage shall include
8 information on the issuer's process for an enrollee's physician to request an
9 exception from the issuer's modification of drug coverage based on a price
10 increase.

11 * * *

12 §1074. Guaranteed renewability of individual health insurance coverage

13 * * *

14 D. A health insurance issuer may modify the health insurance coverage for
15 a policy form offered to individuals in the individual market if each of the following
16 conditions is met:

17 * * *

18 (3) The issuer notifies, on a form approved by the Department of Insurance,
19 each affected individual of the modification, including modification of coverage of
20 a particular product or modification of drug coverage, not later than the sixtieth day
21 before the date the modification is effective. Notwithstanding the requirements of
22 Paragraph (1) of this Subsection, modification of drug coverage for any drug
23 increasing over three hundred dollars per prescription or refill with an increase
24 in the wholesale acquisition cost of at least twenty-five percent in the prior three
25 hundred sixty-five days may occur at any time provided that thirty-day notice
26 of the modification of coverage is given. The thirty-day notice of modification
27 of coverage shall include information on the issuer's process for an enrollee's
28 physician to request an exception from the issuer's modification of drug
29 coverage based on a price increase.

* * *

§1964. Methods, acts, and practices which are defined as unfair or deceptive

The following are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

* * *

(15)(a) The issuance, delivery, issuance for delivery, or renewal of, or execution of a contract for, a health benefits policy or plan which:

* * *

(ii) Denies a pharmacy **licensed and physically located in the state** or a pharmacist **licensed in the state** the right to participate as a contract provider of pharmaceutical services or pharmaceutical products under the policy or plan, or under a pharmacy network established by the policy or plan, if the pharmacy or pharmacist agrees in writing to provide pharmaceutical services and pharmaceutical products that meet all the terms and requirements, including the same administrative, financial, and professional conditions and a minimum contract term of one year, if requested, which apply to pharmacies and pharmacists which have been designated as providers under the policy or plan or as participating providers in a pharmacy network established by the policy or plan.

* * *

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

DIGEST

SB 181 Reengrossed

2021 Regular Session

Boudreaux

Present law provides for guaranteed renewability of health coverage for employees in the group market and persons with individual health coverage.

Present law authorizes a health insurance issuer to modify the health insurance coverage for a policy form offered to a group health plan or to individuals in the individual market if each of the following conditions is met:

- (1) The modification occurs at the time of coverage renewal.
- (2) The modification is approved by the commissioner of insurance and is on a uniform basis among all individuals and all small and large employers covered by the group health plan.

- (3) The insurer notifies each individual or group no later than the 60th day before the modification is effective.

Proposed law retains present law but as to the notification requirement, modification of drug coverage is allowed at any time as to a drug increasing over \$300 per prescription or refill with an increase in the wholesale acquisition cost of at least 25% in the prior 365 days provided that 30-day notice of the modification of coverage is given. Proposed law requires that the 30 day notice of modification of coverage include information on the issuer's process for an enrollee's physician to request an exception from the issuer's modification of drug coverage based on a price increase.

Present law provides for certain unfair methods of competition and unfair or deceptive acts or practices in the business of insurance.

Present law provides that the issuance, delivery, issuance for delivery, or renewal of, or execution of a contract for, a health benefits policy or plan which denies a pharmacy or pharmacist the right to participate as a contract provider of pharmaceutical services or pharmaceutical products under the policy or plan, or under a pharmacy network established by the policy or plan, if the pharmacy or pharmacist agrees in writing to provide pharmaceutical services and pharmaceutical products that meet all the terms and requirements, including the same administrative, financial, and professional conditions and a minimum contract term of one year, if requested, which apply to pharmacies and pharmacists which have been designated as providers under the policy or plan or as participating providers in a pharmacy network established by the policy or plan.

Proposed law retains present law but limits the prohibition to pharmacies licensed and physically located in the state as well as pharmacists licensed in this state.

Effective August 1, 2021.

(Amends R.S. 22:1068(D)(3), 1074(D)(3), and 1964(15)(a)(ii))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Requires the 30 day notice of modification of coverage to include information on the issuer's process for an enrollee's physician to request an exception from the issuer's modification of drug coverage based on a price increase.