



1 1950, comprised of R.S. 22:2183, is hereby enacted to read as follows:

2 **PART VII. LOUISIANA MANDATED HEALTH BENEFITS**

3 **ACTUARIAL ANALYSIS**

4 **§2183. Actuarial reviews of proposed healthcare legislation**

5 **A. On or before December 1, 2024, the department shall retain by**  
6 **contract one or more entities that have experience in actuarial reviews and**  
7 **healthcare policy for the purpose of performing actuarial reviews of legislative**  
8 **proposals that may impose a new health benefit coverage mandate on health**  
9 **benefit plans or reduce or eliminate coverage mandated under health benefit**  
10 **plans. At least one of the contractors shall be an actuary or actuarial firm with**  
11 **experience analyzing health insurance premiums. The contractors, under the**  
12 **direction of the department, shall conduct actuarial reviews of legislative**  
13 **proposals.**

14 **B. On or before September 1, 2024, the department shall convene a**  
15 **public meeting to obtain input and recommendations from stakeholders**  
16 **concerning the methodology for conducting the analysis provided for in**  
17 **Subsection D of this Section.**

18 **C. A member of the legislature who requests an actuarial review of a**  
19 **legislative proposal shall submit the request to the department no later than**  
20 **December 1 of the year preceding the regular legislative session in which the**  
21 **legislative proposal will be considered.**

22 **D. An actuarial review performed by the contractors pursuant to this**  
23 **Section shall consider the predicted effects of the legislative proposal during the**  
24 **five years immediately following the effective date of the legislative proposal, or**  
25 **during another time period following the effective date of the legislative**  
26 **proposal if such consideration is more actuarially feasible, including but not**  
27 **limited to all of the following:**

28 **(1) An estimate of the number of state residents who will be directly**  
29 **affected by the legislative proposal.**

1                   **(2) An estimate of changes in the rates of utilization of specific healthcare**  
2                   **services that may result from the legislative proposal.**

3                   **(3) An estimate concerning any changes in consumer cost-sharing that**  
4                   **would result from the legislative proposal.**

5                   **(4) An estimate of any increases or decreases in premiums charged to**  
6                   **covered persons or employers for health benefit plans offered in the individual,**  
7                   **small group, and large group markets that would result from the legislative**  
8                   **proposal.**

9                   **(5) An estimate of the out-of-pocket healthcare cost changes associated**  
10                   **with the legislative proposal.**

11                   **(6) An estimate of the potential long-term healthcare cost changes**  
12                   **associated with the legislative proposal.**

13                   **(7) An estimate of the amounts necessary to defray the cost of the**  
14                   **mandate for health insurance products subject to state or federal laws requiring**  
15                   **payments to defray the costs.**

16                   **(8) Identification of any potential health benefits for individuals or**  
17                   **communities that would result from the legislative proposal.**

18                   **(9) To the extent practicable, the social and economic impacts of the**  
19                   **legislative proposal.**

20                   **E. An actuarial review performed pursuant to this Section shall do all of**  
21                   **the following:**

22                   **(1) Provide the information required by Paragraph (D)(4) of this Section**  
23                   **in terms of percentage increase or decrease and in terms of per-member,**  
24                   **per-month charges.**

25                   **(2) Provide the information required by Paragraph (D)(5) of this Section**  
26                   **in terms of dollar amounts.**

27                   **(3) Provide the information required by Paragraph (D)(7) of this Section**  
28                   **in terms of per-member, per-month costs and monthly enrollment estimates by**  
29                   **health plan.**

1           **(4) Provide, if available, information concerning who would benefit from**  
2           **any cost changes and health benefits from the legislative proposal, as required**  
3           **by Paragraphs (D)(3) and (5) through (8) of this Section, and any**  
4           **disproportionate effects that the legislative proposal would have on state**  
5           **residents, which information, if available, shall be disaggregated, at a minimum,**  
6           **by race, ethnicity, sex, gender, and age.**

7           **(5) Provide, to the extent practicable, a qualitative analysis of the impact**  
8           **of the legislative proposal. For the purposes of this Paragraph, a member of the**  
9           **legislature who requests an actuarial review of a legislative proposal pursuant**  
10           **to this Section may designate one or more persons to provide data to the**  
11           **contractors in order to inform this qualitative analysis.**

12           **F. In performing actuarial reviews of legislative proposals, the**  
13           **contractors may utilize data from any reasonable source, including data**  
14           **collected from insurance carriers. Insurance carriers shall provide information**  
15           **to, and otherwise cooperate with, the contractors and the department for**  
16           **purposes of this Section.**

17           **G. A request for an actuarial review pursuant to this Section and the**  
18           **final report resulting from the request shall be treated as confidential, except**  
19           **the information may be used by the requesting member of the legislature or by**  
20           **the chairmen of the Senate and House committees on insurance for the purpose**  
21           **of coordinating selections pursuant to Subsection C of this Section, until the**  
22           **legislative proposal that is the subject of the actuarial review is introduced in**  
23           **the regular legislative session following submission of the request for the**  
24           **actuarial review or, if no legislative proposal is introduced, until after the end**  
25           **of the legislative session following the submission of the request.**

26           **H. Upon enactment of any legislative proposal for which a defrayal cost**  
27           **has been estimated pursuant to Subsection D of this Section, the department**  
28           **shall notify, in writing, the commissioner of administration and the chairmen**  
29           **of the Senate Committee on Finance and House Committee on Appropriations**

1 of the estimated cost. Upon receipt of the written notification, the commissioner  
2 of administration shall request an appropriation to pay the estimated defrayal  
3 cost of each enacted legislative proposal prior to implementation in the  
4 subsequent plan year.

5 I. Each year following initial implementation, the department shall  
6 require insurance carriers to provide actuarial estimates, based on appropriate  
7 claims and other data, of the per-member, per-month amount necessary to  
8 defray the cost of the enacted mandate for the subsequent plan year. After  
9 determining these estimates to be actuarially sound, the department shall notify  
10 the commissioner of administration and the chairmen of the Senate Committee  
11 on Finance and House Committee on Appropriations of the amounts needed to  
12 defray the cost of the enacted mandates for each health plan. The commissioner  
13 of administration shall request an appropriation to pay these amounts prior to  
14 implementation in the subsequent plan year.

15 J. Notwithstanding any other provision of law to the contrary, the  
16 department shall not engage any contractor to perform an actuarial review  
17 pursuant to this Section unless the department determines that there are  
18 adequate resources available within existing appropriations to compensate the  
19 contractor for the actuarial review.

20 Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:

21 §4.1. Exceptions

22 \* \* \*

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

28 \* \* \*

29 (11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1,

1 572.2, 574, 601.3, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1,  
 2 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203,  
 3 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1660.7, 1723,  
 4 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, **2183**, 2091,  
 5 2293, 2303, 2508

6 \* \* \*

7 Section 3. Part VIII of Chapter 11 of Title 22 of the Louisiana Revised Statutes of  
 8 1950, comprised of R.S. 22:2187, is hereby repealed.

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

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#### DIGEST

SB 368 Engrossed

2024 Regular Session

Bass

Proposed law requires, on or before Dec. 1, 2024, the Department of Insurance (LDI) to retain by contract one or more entities that have experience in actuarial reviews and healthcare policy for the purpose of performing actuarial reviews for legislative proposals that may impose a new health benefit coverage mandate on health benefit plans or reduce or eliminate coverage mandated under health benefit plans.

Proposed law provides that a member of the legislature who requests an actuarial review of a legislative proposal shall submit the request to LDI no later than Dec. 1 of the year preceding the regular legislative session in which the legislative proposal will be considered.

Proposed law provides that an actuarial review performed pursuant to proposed law shall consider the predicted effects of the legislative proposal during the five years immediately following the effective date of the legislative proposal, or during another time period following the effective date of the legislative proposal if such consideration is more actuarially feasible, including but not limited to specific enumerated factors.

Proposed law provides for the format in which the results of the actuarial review shall be reported.

Proposed law provides that the actuarial review shall include, to the extent practicable, a qualitative analysis of the impact of the legislative proposal. Further provides that a member of the legislature who requests an actuarial review of a legislative proposal may designate one or more persons to provide data for the review.

Proposed law provides for the length of time that a request for an actuarial review and the final report resulting from the request are to be treated as confidential and provides an exemption from the Public Records Law, R.S. 44:1 et seq.

Proposed law requires the commissioner of administration to request an appropriation to pay the estimated defrayal cost of each enacted legislative proposal.

Proposed law prohibits LDI from engaging any contractor to perform an actuarial review pursuant to proposed law unless the department determines that there are adequate resources available within existing appropriations to compensate the contractor for actuarial review.

Present law creates the La. Mandated Health Benefits Commission, within the Department of Insurance, to review proposed legislation in any session of the legislature for the purpose of determining if the legislation creates a mandated health benefit that would require the state to defray the costs of the mandate. Present law further provides for the commission's membership, powers, duties, functions, and responsibilities.

Proposed law repeals present law.

Effective August 1, 2024.

(Amends R.S. 44:4.1(B)(11); adds R.S. 22:2183; repeals R.S. 22:2187)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Makes technical changes.
2. Removes limitation on maximum number of proposals to be reviewed.