
The original instrument was prepared by Brandi Cannon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Curry J. Lann.

DIGEST

SB 368 Reengrossed 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 requires that at least one of the contractors be an actuary or actuarial firm or a Louisiana-based university department or academic faculty with experience analyzing health insurance premiums.

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.

Proposed law requires that any claims, reimbursement, and other data, cost estimates, and other information provided by a health insurer, health plan, or other health insurance issuer to a contractor, the department, or any other entity are to be treated as confidential.

Proposed law prohibits the interpretation of proposed law from delegating or requiring delegation of any federal or state authority to a non-state entity, including but not limited to the authority to request fiscal impact analyses from the Legislative Fiscal Office or the authority to make determinations regarding the legal status of state benefit mandates under state and federal law.

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.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Authorizes a Louisiana-based university department or academic faculty with experience analyzing health insurance premiums to comply with proposed law contractor requirements in addition to an actuary or actuarial firm.
2. Requires that any claims, reimbursement, and other data, cost estimates, and other information provided by a health insurer, health plan, or other health insurance issuer to a contractor, the department, or any other entity are to be treated as confidential.
3. Prohibits any interpretation of proposed law from delegating or requiring delegation of any federal or state authority to a non-state entity.
4. Makes technical corrections.