

SENATE BILL NO. 106

BY SENATORS BARROW, DUPLESSIS, EDMONDS AND TALBOT

1 AN ACT

2 To enact R.S. 22:1047, relative to obesity treatment; to require coverage for severe obesity
3 treatments; to provide for requirements for coverage; to provide for definitions; to
4 provide for applicability; to require an evaluation from the Louisiana Department of
5 Health; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1047 is hereby enacted to read as follows:

8 **§1047. Required coverage for severe obesity treatment**

9 **A. A health insurance issuer offering health coverage plans in this state**
10 **that provides hospital, medical, or surgical benefits for individuals covered**
11 **under a respective plan shall provide coverage for medically necessary expenses**
12 **for diseases and conditions caused by severe obesity and treatment in**
13 **accordance with this Section.**

14 **B.(1) Subsections C, D, E, and F of this Section shall apply only to a**
15 **health insurance issuer offering health coverage plans in this state to the extent**
16 **services are covered by the Essential Health Benefits Benchmark Plan selected**
17 **by the state in accordance with applicable federal regulations.**

18 **(2) The Louisiana Department of Health shall evaluate bariatric**
19 **surgery, pre-operative psychological screening and counseling, behavior**
20 **modification, nutritional counseling, and post-operative follow-up, overview,**
21 **and counseling of dietary exercise, and lifestyle changes for coverage by the**
22 **Essential Health Benefits Benchmark Plan during its next review of the**
23 **Essential Health Benefits Benchmark Plan.**

24 **C. Treatment shall include but not be limited to bariatric surgery,**
25 **recognized by the American Society for Metabolic and Bariatric Surgery.**
26 **Treatment shall also include pre-operative psychological screening and**
27 **counseling, behavior modification, nutritional counseling, and post-operative**

1 follow-up, overview, and counseling of dietary, exercise, and lifestyle changes.

2 D. The insured shall be at least eighteen years of age to be eligible for
3 bariatric surgery coverage. Prior to the treatment required to be covered by this
4 Section, a health insurance issuer may require a covered person to successfully
5 complete a pre-operative period which may include counseling, nutritional
6 education, and other covered services to assist in preparation and evaluation for
7 successful treatment.

8 E.(1) The prescribing physician shall issue a written order stating that
9 treatment is medically necessary and in accordance with the patient
10 qualifications and treatment standards set forth by the American Society for
11 Metabolic and Bariatric Surgery or the American College of Surgeons.

12 (2) A health insurance issuer may restrict covered services pursuant to
13 this Section to those provided in facilities holding accreditation by the American
14 College of Surgeons and the American Society for Metabolic and Bariatric
15 Surgery's Metabolic and Bariatric Surgery Accreditation.

16 F.(1) A health insurance issuer may require that all covered services
17 pursuant to this Section receive prior authorization from the issuer.

18 (2) Nothing in this Section shall be interpreted to require a health
19 insurance issuer to provide coverage for injectable drugs used to lower glucose
20 levels or any other drugs prescribed for weight loss. A health insurance issuer
21 may limit benefits provided in this Section to no more than one surgical
22 procedure per lifetime.

23 G. For purposes of this Section, the following terms have the following
24 meanings:

25 (1) "Body mass index" means a practical marker used to assess the
26 degree of obesity, calculated by dividing the weight in kilograms by the height
27 in meters squared.

28 (2) "Health coverage plan" means any hospital, health, or medical
29 expense insurance policy, hospital or medical service contract, employee welfare
30 benefit plan, contract, or other agreement with a health maintenance

1 organization or a preferred provider organization, health and accident
 2 insurance policy, or any other insurance contract of this type in this state,
 3 including a group insurance plan, and a self-insurance plan. "Health coverage
 4 plan" does not include a plan providing coverage for excepted benefits defined
 5 in R.S. 22:1061, limited benefit health insurance plans, and short-term policies
 6 that have a term of less than twelve months or the Office of Group Benefits
 7 programs.

8 (3) "Severe obesity" means either of the following:

9 (a) A body mass index equal to or greater than forty kilograms per meter
 10 squared.

11 (b) A body mass index equal to or greater than thirty-five kilograms per
 12 meter squared along with an associated comorbidity including but not limited
 13 to hypertension, cardiopulmonary conditions, sleep apnea, or diabetes.

14 Section 2. This Act shall apply to any new policy, contract, program, or health
 15 coverage plan issued on and after January 1, 2025. Any policy, contract, or health coverage
 16 plan in effect prior to January 1, 2025, shall convert to conform this Act on or before the
 17 renewal date, but no later than January 1, 2026.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____