

ACT No. 410

SENATE BILL NO. 42

BY SENATORS SELDERS, BARROW, DUPLESSIS, FOIL, TALBOT AND WHEAT AND REPRESENTATIVES BAYHAM, BERAULT, BILLINGS, CARLSON, CARRIER, WILFORD CARTER, CHASSION, DAVIS, DESHOTEL, DEVILLIER, DOMANGUE, FREEMAN, FREIBERG, HEBERT, HILFERTY, HUGHES, MIKE JOHNSON, TRAVIS JOHNSON, KNOX, MANDIE LANDRY, LARVADAIN, MARCELLE, MCMAKIN, MENA, MILLER, MOORE, NEWELL, PHELPS, SPELL, STAGNI, TAYLOR, WALTERS, WILLARD AND WYBLE

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

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AN ACT

To enact R.S. 22:1077.4 and R.S. 46:447.4, relative to perinatal behavioral health treatment; to require commercial insurance and Medicaid coverage for voluntary inpatient treatment following a perinatal psychiatric diagnosis; to provide for definitions; to provide for applicability relative to coverage plans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1077.4 is hereby enacted to read as follows:

§1077.4. Inpatient treatment following a perinatal psychiatric diagnosis; commercial insurance

A. Any health benefit plan offered by a health insurance issuer that provides mental health benefits with respect to treatment for perinatal psychiatric diagnoses shall provide coverage for voluntary inpatient treatment for a patient with a perinatal psychiatric diagnosis. Inpatient admissions, including overnight stays, and medications resulting from treatments, including infusions and prescriptions, and counseling shall be covered services.

B. All decisions regarding voluntary inpatient treatment following a perinatal psychiatric diagnosis shall be made solely by an attending physician, physician assistant, psychiatrist, psychologist, medical psychologist, or nurse

1 practitioner in consultation with the patient. All levels of maternal mental
2 health inpatient treatment as provided for in this Section shall be considered
3 medically necessary and shall not be excluded from coverage. The treating
4 physician, physician assistant, psychiatrist, psychologist, medical psychologist,
5 or nurse practitioner shall consider recognized evidenced based standards, such
6 as guidelines of InterQual or Milliman Care Guidelines (MCG), in making
7 treatment recommendations. Health insurance issuers shall not deny coverage
8 for voluntary inpatient treatment for a patient with a perinatal psychiatric
9 diagnosis that is consistent with these standards.

10 C. Any voluntary admission covered by this Section shall be in
11 accordance with R.S. 28:52.

12 D. The coverage required pursuant to this Section may be subject to
13 annual deductibles, coinsurance, and copayment provisions established under
14 the health benefit plan.

15 E. For purposes of this Section, the following terms have the following
16 meanings:

17 (1) "Health benefit plan" means any hospital, health, or medical expense,
18 insurance policy, hospital or medical service contract, employee welfare benefit
19 plan, contract, or other agreement with a health maintenance organization or
20 a preferred provider organization, health and accident insurance policy, or any
21 other insurance contract of this type in this state, including a group insurance
22 plan and the Office of Group Benefits programs. "Health benefit plan" does not
23 include a plan providing coverage for excepted benefits as defined in R.S.
24 22:1061, limited benefit health insurance plans, and short-term policies that
25 have a term of less than twelve months.

26 (2) "Health insurance issuer" means an entity subject to the insurance
27 laws and regulations of this state, or subject to the jurisdiction of the
28 commissioner, that contracts or offers to contract to provide, deliver, arrange
29 for, pay for, or reimburse any of the costs of healthcare services, including
30 through a health benefit plan as defined in this Section, and includes a sickness

1 and accident insurance company, a health maintenance organization, a
2 preferred provider organization, or any similar entity, or any other entity
3 providing a plan of health insurance or health benefits.

4 (3) "Perinatal psychiatric diagnosis" means a psychiatric disorder
5 requiring inpatient treatment during pregnancy through one year postpartum,
6 which includes one year after a pregnancy loss.

7 F. The implementation of the provisions of this Section shall be subject
8 to the appropriation of funds by the legislature for this purpose.

9 Section 2. R.S. 46:447.4 is hereby enacted to read as follows:

10 §447.4. Inpatient treatment following a perinatal psychiatric diagnosis;

11 Medicaid

12 A. Medicaid managed care organizations shall provide coverage for
13 voluntary inpatient treatment for a Medicaid recipient with a perinatal
14 psychiatric diagnosis. Inpatient admissions, including overnight stays, and
15 medications resulting from treatments, including infusions and prescriptions,
16 and counseling shall be covered services.

17 B. All decisions regarding voluntary inpatient treatment following a
18 perinatal psychiatric diagnosis shall be made solely by an attending physician,
19 physician assistant, psychiatrist, psychologist, medical psychologist, or nurse
20 practitioner in consultation with the patient.

21 C. Any voluntary admission covered by this Section shall be in
22 accordance with R.S. 28:52.

23 D. For purposes of this Section, "perinatal psychiatric diagnosis" means
24 a psychiatric disorder requiring inpatient treatment during pregnancy through
25 one year postpartum, which includes one year after a pregnancy loss.

26 E. The implementation of the provisions of this Section shall be subject
27 to the appropriation of funds by the legislature for this purpose.

28 F. Nothing in this Section shall prohibit the Louisiana Medicaid Program
29 from establishing criteria for payment of covered Medicaid services, including
30 criteria for medical necessity.

1 Section 3. The provisions of this Act apply to any new policy, contract, or health
2 coverage plan issued on and after January 1, 2026. Any policy, contract, or health coverage
3 plan in effect prior to January 1, 2026, shall convert to conform to the provisions of this Act
4 on or before the renewal date, but no later than January 1, 2027.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____