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SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 126  
by Senator Gary Smith

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1 AMENDMENT NO. 1

2 On page 1, line 4, after "R.S. 22:821(B)(34)," and before "1098," insert "1092.1,"

3 AMENDMENT NO. 2

4 On page 1, line 17, after "R.S. 22:821(B)(34)," and before "1098," insert "1092.1,"

5 AMENDMENT NO. 3

6 On page 3, line 28, after "**in the**" delete the remainder of the line and insert "**small group**  
7 **market or individual market**"

8 AMENDMENT NO. 4

9 On page 17, between lines 21 and 22, insert:

10 " **§1092.1. Grandfathered health coverage; rating practices; loss of status**  
11 **A. The rating practices and rating methods, and the rating restrictions imposed**  
12 **by law upon grandfathered health coverage in the individual market and small group**  
13 **market that are extant on the day that this Section takes effect, including the**  
14 **restrictions on rate increases and required notices for such increases, shall remain**  
15 **binding upon such grandfathered health coverage. Such grandfathered coverage is**  
16 **exempt from the provisions of this Subpart, unless specifically provided for otherwise.**  
17 **B. Any grandfathered health plan that violates the provisions of this Section**  
18 **with respect to the rating restrictions imposed by law and that were in effect on the day**  
19 **this Section takes effect, shall be deemed to have surrendered grandfathered status for**  
20 **the purposes of this Title. The loss of grandfathered status under this Section shall not**  
21 **result from de minimis violations, but from a pattern or practice of violations. The**  
22 **surrender of grandfathered status under this Section shall be determined by the**  
23 **commissioner and shall be based upon an actuarial determination. Any health**  
24 **insurance issuer that offers grandfathered health coverage that is surrendered**  
25 **pursuant to this Section may petition for a de novo review of a determination by the**  
26 **commissioner that such grandfathered status has been surrendered pursuant to this**  
27 **Section in the Nineteenth Judicial District Court.**  
28 **C. The loss of grandfathered status pursuant to this Section does not interfere,**  
29 **interrupt, or terminate a grandfathered health plan's grandfathered status under**  
30 **federal law unless specifically provided for by federal law. A grandfathered health**  
31 **plan that surrenders its status pursuant to this Section shall be subject to the provisions**  
32 **of this Part, except that no grandfathered health plan that retains its grandfathered**  
33 **status under federal law shall be subject to the single risk pool requirement of this**  
34 **Subpart.**"

35 AMENDMENT NO. 5

36 On page 21, line 24, change "2014" to "2015"

37 AMENDMENT NO. 6

38 On page 26, delete lines 24 through 26 and insert "**experience. No insurance company**  
39 **shall unfairly**"

1 AMENDMENT NO. 7

2 On page 27, line 10, after "company" delete the remainder of the line and at the beginning  
3 of line 11 delete "this Subpart,"

4 AMENDMENT NO. 8

5 On page 27, line 15 after "company" delete the remainder of the line and insert "shall"