

Regular Session, 2013

HOUSE BILL NO. 414

BY REPRESENTATIVE HUVAL

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

INSURANCE/POLICIES: Authorizes agency fees on health and welfare plans

1 AN ACT

2 To amend and reenact R.S. 22:855(H) and to enact R.S. 22:1568, relative to producer
3 compensation; to authorize agency fees on health and welfare plans; to provide for
4 commissions and other forms of compensation; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:855(H) is hereby amended and reenacted and R.S. 22:1568 is
7 hereby enacted to read as follows:

8 §855. Quoted premium shall include all charges; dollar amount required

9 * * *

10 H. The provisions of this Section shall apply to all policies except life,
11 annuity, ~~health and accident~~, and reinsurance policies.

12 * * *

13 §1568. Producer compensation for sales of health and welfare plans

14 A. A health insurance issuer shall establish one or more schedules of
15 commission for the sale of each health and welfare plan by an insurance producer.
16 Such schedules of commission shall be uniformly applied to all producers within the
17 same schedule and shall be payable to all insurance producers licensed and appointed
18 to sell the health and welfare plans of the issuer. The provisions of this Subsection
19 shall only apply to employers with health and welfare plans covering one hundred
20 or fewer employees.

1 B. In addition to a commission for a health and welfare plan, a health
 2 insurance producer may negotiate a charge, fee, or any other form of compensation
 3 directly with the plan sponsor or employer group.

4 C. Each health and welfare plan entered into prior to the effective date of this
 5 Act shall comply with the provisions of this Section at the annual anniversary or
 6 renewal date following the effective date of this Act. This Section shall apply to
 7 political subdivisions as defined by R.S. 42:1102(17).

8 D. For purposes of this Section, a health and welfare plan shall include
 9 benefits for group health, life, short term disability, long term disability, dental, and
 10 vision.

11 Section 2. This Act shall become effective upon signature by the governor or, if not
 12 signed by the governor, upon expiration of the time for bills to become law without signature
 13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 15 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Huval

HB No. 414

Abstract: Authorizes agency fees on health and welfare plans.

Present law prohibits an insurer or its representative, including an insurance producer (agent) from charging or receiving any fee, compensation, or consideration for insurance which is not included in the premium quoted to the insured and the premium specified in the policy delivered to the insured, except for the following: the premium tax on a surplus lines policy, reimbursement for expenses due the producer, and for an agency fee. Specifically authorizes a producer to receive reimbursement from the insured for expenses and to charge a reasonable agency fee directly related to the services provided by the producer on all insurance policies other than life, annuity, health and accident, and reinsurance policies. Further requires that such an agency fee be prominently disclosed and itemized separately on the invoice.

Proposed law deletes the exemption of health and accident policies from present law, thus extending the authorization for a producer to receive reimbursement from the insured for expenses and to charge a reasonable agency fee related to the services provided by the producer to health and accident insurance policies.

Proposed law requires health insurance issuers to establish one or more schedules of commission for the sale of each health and welfare plan by an insurance producer. Specifies that this provision shall only apply to employers with health and welfare plans covering 100 or fewer employees.

Proposed law allows health insurance producers, in addition to a commission, to negotiate charges, fees, and any other forms of compensation directly with the plan sponsor or employer group.

Proposed law provides for the effective date of proposed law for health benefit plans entered into prior to the effective date of proposed law. Specifically provides that such a health benefit plan shall commence compliance with proposed law upon the first annual anniversary or renewal date following the effective date of proposed law. Further provides that proposed law applies to political subdivisions.

Proposed law defines a health and welfare plan as including benefits for group health, life, short term disability, long term disability, dental and vision.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:855(H); Adds R.S. 22:1568)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Insurance to the engrossed bill.

1. Required health insurance issuers to establish one or more schedules of commission for the sale of each health insurance product by an insurance producer.
2. Notwithstanding the schedules of commission provided for in proposed law, allowed health insurance producers to negotiate charges, fees, or any other form of compensation directly with the insured, plan sponsor, or employer group.
3. Provided that health insurance contracts entered into prior to the effective date of proposed law shall comply with proposed law upon the annual anniversary or renewal date of such contract.
4. Made proposed law applicable to political subdivisions.

House Floor Amendments to the engrossed bill.

1. Provided that proposed law relative to establishment of schedules of commission shall only apply to employers with health and welfare plans covering 100 or fewer employees.
2. Changed various terms, including "health insurance products" and "health and accident insurance policies" to "health and welfare plans".
3. Added definition of a health and welfare plan.
4. Deleted authorization for a producer to negotiate compensation with an insured, limiting such negotiation to a plan sponsor or employer group.