

Regular Session, 2014

HOUSE BILL NO. 852

BY REPRESENTATIVE TALBOT

INSURANCE/GROUP: Provides relative to the disclosure of insurance claims data

1 AN ACT

2 To amend and reenact R.S. 22:978(E)(1)(introductory paragraph) and (a), (7), and (8) and
3 to enact R.S. 22:978(G), relative to insurance claims data; to provide for the release
4 of claims data to agents; to require the agent receiving the claims data to certify the
5 limited use of the data; to provide that an insurer shall not be required to release
6 information protected as confidential by federal law; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:978(E)(1)(introductory paragraph) and (a), (7), and (8) are hereby
10 amended and reenacted and R.S. 22:978(G) is enacted to read as follows:

11 §978. Group, family group, blanket, and association health and accident insurance;
12 notice required for certain premium increase, cancellation, or nonrenewal

13 * * *

14 E.(1) Not less than ninety days prior to the renewal of a policy, every health
15 and accident insurance issuer, including a health maintenance organization, shall,
16 upon request, release to each group policyholder ~~or~~ and agent of a policyholder
17 claims data and shall provide this data within no more than fourteen business days
18 of receipt of the request, which shall include the following items:

19 (a) The net claims paid by month during the current and the two immediately
20 preceding policy ~~period~~ periods.

21 * * *

1 (7) A plan sponsor ~~is~~ and the plan sponsor's agent are entitled to receive
2 protected health information under this Section only after an appropriately
3 authorized representative of the plan sponsor or agent makes to the health and
4 accident insurer a certification substantially similar to the following certification:

5 I hereby certify and have demonstrated that the plan
6 documents comply with the requirements of 45 C.F.R.
7 Section 164.504(f)(2) and that the plan sponsor will safeguard
8 and limit the use and disclosure of protected health
9 information that the plan sponsor or agent may receive from
10 the group health plan to perform the plan administration
11 functions.'

12 (8) A plan sponsor or agent that does not provide the certification required
13 in Paragraph (7) of this Subsection is not entitled to receive the protected health
14 information described in Subparagraphs (1)(d) and (e) of this Subsection, but is
15 entitled to receive a report of claim information that includes the other information
16 required by this Subsection.

17 * * *

18 G. Nothing in this Section shall be construed to require an insurer to provide
19 information protected as confidential by the Health Insurance Portability and
20 Accountability Act of 1996 or any other provision of federal law.

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)]

Talbot

HB No. 852

Abstract: Requires the release of claims data to the agent of a group policyholder, in addition to the policyholder, within 90 days of renewal of the policy after the agent certifies he will limit the use and disclosure of the claims data as provided by federal regulation.

Present law provides for the release of claims data by a health and accident insurer within 90 days of renewal of the group policy to the group policyholder upon certification that the policyholder will only use and disclose the data in compliance with federal regulation.

Proposed law retains present law but also provides for the release of the claims data to the agent of the policyholder, and limits the claims data that must be released to the current and two immediately preceding policy periods.

Proposed law provides that insurer shall not be required to release information protected as confidential by federal law.

(Amends R.S. 22:978(E)(1)(intro.para.) and (a), (7), and (8); Adds R.S. 22:978(G))

Summary of Amendments Adopted by House

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

1. Provided that an insurer shall not be required to release information protected as confidential by federal law.