

Regular Session, 2014

HOUSE BILL NO. 852

BY REPRESENTATIVE TALBOT

1 AN ACT

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

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:978(E)(1)(introductory paragraph), (a), (b), (d), and (e), (7), and
10 (8) are hereby 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 Every health and accident insurance issuer, including a health maintenance
16 organization, shall, upon request, release to each group policyholder ~~or~~ and agent of
17 a policyholder claims data and shall provide this data within no more than fourteen
18 business days 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 (b) The monthly enrollment by employee only, employee and spouse, and
22 employee and family during the current and the two immediately preceding policy
23 period periods.

24 * * *

1 (d) Claims over ten thousand dollars including claim identifier, the date of
 2 occurrence, the amount of claims paid and those unpaid or outstanding, and claimant
 3 health condition or diagnosis during the current and the two immediately preceding
 4 policy periods. The data shall provide a unique identifying number or code for the
 5 claimant.

6 (e) A complete listing of all potential catastrophic diagnoses and prognoses
 7 involving persons covered under the policy provisions. The data shall provide a
 8 unique identifying number or code for the claimant.

9 * * *

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

14 'I hereby certify and have demonstrated that the plan
 15 documents comply with the requirements of 45 C.F.R.
 16 Section 164.504(f)(2) and that the plan sponsor will safeguard
 17 and limit the use and disclosure of protected health
 18 information that the plan sponsor or agent may receive from
 19 the group health plan to perform the plan administration
 20 functions.'

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

26 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____