

Regular Session, 2009

SENATE BILL NO. 282

BY SENATOR HEBERT

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

HEALTH CARE. Provides for a consumer health provider information system. (8/15/09)

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AN ACT

To enact R.S. 22:1879, relative to a consumer health provider information system; to provide for a database concerning health care related information; to provide for duties of the Department of Insurance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1879 is hereby enacted to read as follows:

**§1879. Louisiana consumer health provider disclosure system**

**A. Every health insurance issuer doing business in the State of Louisiana shall develop and maintain a database which shall allow an enrollee web access to determine if a health care provider or health care facility is a contracted health care provider with their health insurance issuer and web access to a health insurance issuer's network of providers accessed or utilized by a health insurance issuer.**

**B. Every health care issuer shall maintain the most current name and the National Provider Identifier unique identification number, as set forth in 45 CFR §162.402, et. seq., for each of its contracted health care providers and the specific insurance coverage in which the health care provider is contracted to**

1 provide health care services.

2 C. Every health care issuer shall include the following information in  
3 their database:

4 (1) The name, address and contact information of the health care  
5 provider.

6 (2) All applicable specialties and subspecialties of such health care  
7 provider, if any, as recognized by the American Board of Medical Specialties.

8 (3) The National Provider Identifier, unique identification number of  
9 such health care provider.

10 D. The database shall be formatted in such a manner to allow an  
11 enrollee or insured access to the information through a web based application  
12 to determine if a health care provider is a contracted health care provider.

13 E. (1) As a penalty in accordance with R.S. 49:961, the commissioner  
14 may refuse to renew, or may suspend, or revoke the certificate of authority of  
15 any health insurance insurer violating any of the provisions of this Section, or  
16 in lieu of suspension or revocation of a license duly issued, the commissioner  
17 may levy a civil fine not to exceed one thousand dollars for each and every act  
18 or violation, but not to exceed an aggregate penalty of one hundred thousand  
19 dollars unless the person knew or reasonably should have known he was in  
20 violation of this Section, in which case the civil fine shall not be more than  
21 twenty-five thousand dollars for each and every act or violation, but not to  
22 exceed an aggregate penalty of two hundred fifty thousand dollars in any six  
23 month period, when such acts or violations warrant the refusal, suspension, or  
24 revocation of such certificate, or the imposition of the fine, or both.

25 (2) A health insurance issuer aggrieved by the commissioner's decision,  
26 act, or order may demand a hearing in accordance with Chapter 12 of this Title,  
27 R.S. 22:2191 et seq. If the health insurance issuer had demanded a timely  
28 hearing, the penalty or fine ordered by the commissioner shall not be imposed  
29 until such time as the Division of Administrative Law makes a finding that the

1 **penalty or fine is warranted in a proper hearing, held in a manner provided in**

2 **Chapter 12 of this Title.**

3 **F. The Department of Insurance may promulgate rules and regulations**

4 **necessary to implement the provisions of this Section.**

The original instrument was prepared by Greg Waddell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

### DIGEST

Hebert (SB 282)

Proposed law requires health insurance issuers doing business in the state to develop and maintain a database which shall allow an enrollee web access to determine if a health care provider or health care facility is a contracted health care provider with their health insurance issuer and web access to a health insurance issuer's network of providers accessed or utilized by a health insurance issuer.

Requires that the health care issuer maintain the most current name and National Provider Identifier unique identification number for each of its contracted health care providers and the specific insurance coverage in which the health care provider is contracted to provide health care services.

Requires that the following information be included in the database:

- (1) The name, address and contact information of the health care provider.
- (2) All applicable specialties and subspecialties of such health care provider, if any, as recognized by the American Board of Medical Specialties.
- (3) The National Provider Identifier unique identification number of such health care provider.

Requires that the database be formatted in a manner to allow the enrollee or insured access to the information through a web based application to determine if a provider is a contracted health care provider.

Proposed law authorizes the commissioner of insurance to refuse to renew, or may suspend, or revoke the certificate of authority of any health insurance insurer violating proposed law or to levy a civil fine, in lieu of suspension or license revocation, not to exceed \$1,000 for each and every act or violation, but not to exceed \$100,000 in the aggregate unless the person knew or reasonably should have known he was in violation of proposed law. Provides that if the person knew or reasonably should have know of his violation, then provides a civil fine of not more than \$25,000 for each and every act or violation not to exceed \$250,000 in the aggregate in any six month period. Authorizes an issuer aggrieved by the commissioner's decision, act, or order to demand a hearing.

Authorizes the Department of Insurance to promulgate necessary rules and regulations to implement the provisions of proposed law.

Effective August 15, 2009.

(Adds R.S. 22:1879)

Summary of Amendments Adopted by Senate

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

1. Removes provisions for the Department of Health and Hospitals to ensure that any health care data received by the Department of Insurance be accurate.
2. Expands provisions as to the database to be developed by a health insurance issuer.
3. Authorizes the commission or insurance to sanction health insurance issuers who violate proposed law.