

SENATE BILL NO. 543

BY SENATOR MORRISH

1 AN ACT

2 To enact R.S. 22:1052 and Part VII of Chapter 11 of Title 22 of the Louisiana Revised  
3 Statutes of 1950, to be comprised of R.S. 22:2183 and 2184, and R.S. 36:686(F),  
4 relative to health insurance; to provide with respect to limited benefit health  
5 insurance policies or contracts; to provide for legislative intent; to create the  
6 Louisiana Mandated Health Benefits Commission; to provide for composition of the  
7 commission; to provide for review of proposed mandated benefits by the  
8 commission; to provide for the scope and timing of such reviews; to provide for  
9 optional review by the commission of legislation that includes a mandated benefit  
10 proposal; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 22:1052 and Part VII of Chapter 11 of Title 22 of the Louisiana  
13 Revised Statutes, comprised of R.S. 22:2183 and 2184, are hereby enacted to read as  
14 follows:

15 **§1052. Exemption from health insurance mandates**

16 **Notwithstanding any other provision of this Title to the contrary and not**  
17 **unless otherwise specifically provided in an act of the legislature, the provisions**  
18 **of this Subpart shall not apply to limited benefit health insurance policies or**  
19 **contracts, as defined by R.S. 22:47(2)(c).**

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**PART VII. LOUISIANA MANDATED HEALTH BENEFITS COMMISSION****§2183. Purpose; legislative intent**

**There are currently approximately twenty statutes in Louisiana that mandate coverage in health insurance plans for various services, plus other laws that mandate coverage for services rendered by certain types of providers or that mandate health insurers to offer certain benefits. Mandated benefits represent a volatile issue for the legislature. Proponents cite the need of certain individuals for such benefits and the possible public good, while opponents express concern about additional cost to consumers and employers and the potential effect of those costs on the level of uninsured in the state. The legislature recognizes the need for a more studied approach to consideration of such measures, an approach that would ensure that broad-based views of healthcare stakeholders, including consumers, employers, health care providers, and others, are considered.**

**§2184. Louisiana Mandated Health Benefits Commission**

**A. The Louisiana Mandated Health Benefits Commission is hereby created, and shall exercise its powers, duties, functions, and responsibilities in the manner provided in R.S. 36:802. The commission shall be staffed by the office of health insurance of the Department of Insurance, assisted by the legislative staffs of the House and Senate committees on insurance.**

**B. The commission shall be comprised of the following members representing the diverse interest of business, consumers and health care providers:**

**(1) Voting members, who shall serve without compensation, as follows:**

**(a) A representative of AARP.**

**(b) A representative of the Louisiana AFL-CIO.**

**(c) A representative of the Louisiana Coalition for Maternal and Infant Health.**

**(d) A representative of the Louisiana Association of Business and Industry.**

1 (e) A representative of the Louisiana Association of Health Plans.

2 (f) A representative of the Louisiana Association of Health Underwriters.

3 (g) A representative of the Louisiana Business Group on Health.

4 (h) A representative of the Louisiana Hospital Association.

5 (i) A representative of the Louisiana State Medical Society.

6 (j) A representative of the National Federation of Independent Business.

7 (k) A representative of the National Association of Insurance and  
8 Financial Advisors.

9 (l) A representative of the office of group benefits.

10 (m) An additional consumer representative, appointed by the chairman  
11 of the Senate Committee on Insurance.

12 (n) An additional consumer representative, appointed by the chairman  
13 of the House Committee on Insurance.

14 (o) A representative of the Louisiana Small Business Association.

15 (p) A representative of the Chiropractic Association of Louisiana.

16 (q) A representative of the Louisiana Independent Pharmacies  
17 Association.

18 (r) A representative of the Louisiana Orthopaedic Association.

19 (2) Ex officio members, who shall be nonvoting members, as follows:

20 (a) A member of the Senate Committee on Insurance, appointed by the  
21 chairman of that committee.

22 (b) A member of the House Committee on Insurance, appointed by the  
23 chairman of that committee.

24 (3) Other nonvoting members, as follows:

25 (a) A representative of the legislative fiscal office.

26 (b) An actuary appointed by the commissioner of insurance.

27 C. The commission shall conduct its duties under the direction of the  
28 commissioner of insurance. The commission shall elect its own chair, who shall  
29 preside at meetings, and a vice chair, who shall preside in the absence of the  
30 chair. The commission shall conduct its business according to *Robert's Rules of*

1 Order. A quorum for conducting business shall be a majority of the voting  
2 members. Recommendations of the commission shall be determined by simple  
3 majority vote of the voting members present. The commission is authorized to  
4 create further rules in compliance with state law for the conduct of its business.

5 D. The duties of the commission may encompass:

6 (1) An optional review of all proposed legislation that would mandate  
7 coverage by health insurance issuers of specifically enumerated benefits,  
8 services, conditions, or medical products. For purposes of this Section, such  
9 legislation shall be referred to as "mandated benefits proposals".

10 (2) To annually report findings and recommendations, if any, on  
11 mandated benefits proposals to the legislature.

12 E. The commission shall consider the following factors when reviewing  
13 mandated benefits proposals:

14 (1) Medical impacts, including:

15 (a) Whether the service or product is generally recognized in the  
16 medical community as effective in screening, diagnosis, or treatment of a  
17 condition, as demonstrated by a review of scientific and peer-reviewed medical  
18 literature.

19 (b) Whether the service or product is currently utilized by treating  
20 health care providers.

21 (2) Social impacts, including:

22 (a) The level of public demand for the coverage of the service or product.

23 (b) The extent to which coverage for the service or product is already  
24 being provided.

25 (c) Projected short-term and long-term good for the state and its people.

26 (3) Financial impacts, including:

27 (a) The projected cost of providing coverage of the service or product,  
28 the projected effect of such mandated coverage on health insurance premiums,  
29 and the potential impact of additional costs on the level of uninsured in the  
30 state.



1            **its powers, duties, functions, and responsibilities in the same manner as agencies**  
2            **transferred in the manner provided in R.S. 36:802.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_