

# ACT No. 541

HOUSE BILL NO. 1254 (Substitute for House Bill No. 336 by Representative Simon)

BY REPRESENTATIVES SIMON, ANDERS, ARNOLD, BARROW, WESLEY BISHOP, BURFORD, HENRY BURNS, CARMODY, COX, EDWARDS, GISCLAIR, HARRIS, HARRISON, HAVARD, HENSGENS, HILL, HOFFMANN, HOWARD, JONES, LEBAS, MILLER, MONTOUCET, JAY MORRIS, POPE, PUGH, RITCHIE, SEABAUGH, ST. GERMAIN, STOKES, TALBOT, THOMPSON, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT AND SENATORS BUFFINGTON, ERDEY, HEITMEIER, MILLS, AND NEVERS

1 AN ACT

2 To enact R.S. 22:1054 and Chapter 67 of Title 46 of the Louisiana Revised Statutes of 1950,  
3 to be comprised of R.S. 46:2921, relative to access to coverage for individuals  
4 diagnosed with a terminal condition; to prohibit health care plan treatment coverage  
5 decisions based upon an individual's terminal diagnosis; to provide for penalties; to  
6 provide for definitions; to provide for an effective date; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:1054 is hereby enacted to read as follows:

10 §1054. Requirement for access to coverage for individuals in a health plan  
11 diagnosed with a terminal condition

12 A. Notwithstanding any other provision of the law to the contrary and  
13 particularly the provisions of R.S. 22:1047, no health care coverage plan shall deny  
14 coverage for medically necessary treatment prescribed by a physician and agreed to  
15 by a fully informed insured or, if the insured lacks legal capacity to consent, by a  
16 person who has legal authority to consent on the insured's behalf, based solely on an  
17 insured's life expectancy or the fact that the insured is diagnosed with a terminal  
18 condition.

19 B. Refusing coverage for medically necessary treatment to be rendered to an  
20 insured based solely on the insured's life expectancy or the fact that the insured is  
21 diagnosed with a terminal condition shall be a violation of this Section.

1           C.(1) As used in this Section, "terminal condition" means any malignancy  
2           or chronic end-stage cardiovascular or cerebral vascular disease that is likely to  
3           result in the insured's death.

4           (2) As used in this Section, "health coverage plan" means any hospital,  
5           health or medical insurance policy, hospital or medical service contract, employee  
6           welfare benefit plan, contract or agreement with a health maintenance organization  
7           or a preferred provider organization, health and accident insurance policy, or any  
8           other insurance contract of this type, including a group insurance plan and the Office  
9           of Group Benefits programs.

10          Section 2. Chapter 67 of Title 46 of the Louisiana Revised Statutes of 1950,  
11          comprised of R.S. 46:2921, is hereby enacted to read as follows:

12           CHAPTER 67. INDIVIDUALS WITH A TERMINAL CONDITION

13           §2921. Requirement for access to coverage for individuals diagnosed with a terminal  
14           condition

15           A. Notwithstanding any other provision of the law to the contrary, no health  
16           benefit paid directly or indirectly with state funds including but not limited to  
17           Medicaid shall deny coverage for medically necessary treatment prescribed by a  
18           physician and agreed to by a fully informed individual or, if the individual lacks  
19           legal capacity to consent, by a person who has legal authority to consent on the  
20           individual's behalf, based solely on an individual's life expectancy or the fact that the  
21           individual has been diagnosed with a terminal condition.

22           B. Refusing coverage for medically necessary treatment to be rendered to an  
23           individual based solely on the individual's life expectancy or the fact that the  
24           individual has been diagnosed with a terminal condition shall be a violation of this  
25           Section.

26           C. As used in this Section, "terminal condition" means any malignancy or  
27           chronic end-stage cardiovascular or cerebral vascular disease that is likely to result  
28           in the individual's death.

29          Section 3. This Act shall become effective upon signature by the governor or, if not  
30          signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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