AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

B. Refusing coverage for medically necessary treatment to be rendered to an insured based solely on the insured's life expectancy or the fact that the insured is diagnosed with a terminal condition shall be a violation of this Section.
C.(1) As used in this Section, "terminal condition" means any malignancy
or chronic end-stage cardiovascular or cerebral vascular disease that is likely to
result in the insured's death.

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

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

CHAPTER 67. INDIVIDUALS WITH A TERMINAL CONDITION

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

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

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

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

Section 3. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________

CODING: Words in struck through type are deletions from existing law; words underscored are additions.