

SENATE COMMITTEE AMENDMENTS

2019 Regular Session

Amendments proposed by Senate Committee on Health and Welfare to Original Senate Bill No. 173 by Senator Mills

1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 22:11.1" delete "and" and insert ","

3 AMENDMENT NO. 2

4 On page 1, line 3, delete "1129," and insert "1130, and Subpart F-1 of Part III of Chapter 4
5 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1131
6 through 1138,"

7 AMENDMENT NO. 3

8 On page 1, line 6, after "circumstances;" insert "to require the commissioner of insurance
9 to establish a risk-sharing program; to provide for the operation, parameters, funding, and
10 legislative approval of the risk-sharing program;"

11 AMENDMENT NO. 4

12 On page 1, line 9, after "R.S. 22:11.1" delete "and" and insert ","

13 AMENDMENT NO. 5

14 On page 1, line 10, delete "1129," and insert "1130, and Subpart F-1 of Part III of Chapter
15 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1131 through
16 1138,"

17 AMENDMENT NO. 6

18 On page 2, line 16, delete "ten" and insert "ninety"

19 AMENDMENT NO. 7

20 On page 2, at the end of line 17, insert "**However, no provision of this Subpart shall**
21 **abridge or affect the provisions of insurance policies or contracts already in effect until**
22 **such policies or contracts are renewed.**"

23 AMENDMENT NO. 8

24 On page 3, line 17, delete "three" and insert "five"

25 AMENDMENT NO. 9

26 On page 5, line 21, after "plan" delete the remainder of the line and delete lines 22 through
27 29 and on page 6, delete lines 1 through 3 and insert "**complies with the provisions of the**
28 **Patient Protection and Affordable Care Act, Public Law 111-148, relative to coverage**
29 **and payment for emergency department services.**"

30 AMENDMENT NO. 10

31 On page 7, between lines 27 and 28, insert the following:

32 **"§1130. Applicability**
33 **A. The provisions of this Subpart shall only be effective or enforceable**
34 **in the event that the tax credit authorized in Section 1401 of the Patient**

Protection and Affordable Care Act of 2010, Public Law 111-148, as amended by the Healthcare and Education Reconciliation Act of 2010, Public Law 111-152, and codified in Section 16B of the Internal Revenue Code, is held to be valid by a court of competent jurisdiction or is otherwise enforceable at law, or unless adequate appropriations are timely made by the federal or state government in an amount that is calculated in a similar manner as the tax credit in Section 1401 of the Patient Protection and Affordable Care Act.

B. The provisions of this Subpart shall not apply to grandfathered coverage as defined in R.S. 22:1091(B)(4).

C. The provisions of this Subpart shall not apply to health benefit plans in the large groups as defined in R.S. 22:1091(B)(13) or to the large group market as defined in R.S. 22:1091(B)(14).

D. The provisions of this Subpart shall not apply to limited or excepted benefits policies as defined in this Title.

SUBPART F-1. LOUISIANA GUARANTEED BENEFITS POOL

§1131. Short title

This Subpart shall be known and may be cited as the "Louisiana Guaranteed Benefits Pool Act".

§1132. Definitions

As used in this Subpart, the following definitions apply:

(1) "Commissioner" means the commissioner of insurance.

(2) "Program" means the Louisiana Guaranteed Benefits Pool.

§1133. Louisiana Guaranteed Benefits Pool; establishment

A. The commissioner shall establish the Louisiana Guaranteed Benefits Pool which shall be a risk-sharing program to provide payment to health insurance issuers for claims for healthcare services provided to eligible individuals with expected high healthcare costs for the purpose of lowering premiums for health insurance coverage offered in the individual market.

B. In establishing the program, the commissioner shall do all of the following:

(1) Examine Louisiana's historical experience with the Louisiana Health Plan high risk pool, R.S. 22:1201 et seq.

(2) Consult with healthcare consumers, health insurance issuers, and other interested stakeholders.

(3) Take into consideration high-cost health conditions and other health trends that generate a high cost.

§1134. Operation of program

A. The commissioner shall establish the Louisiana Guaranteed Benefits Pool with a framework and operation similar to other state best practices.

B. The program may be administered by either the commissioner or by an independent nonprofit organization.

§1135. Actuarial analysis

In establishing the program, the commissioner shall commission an actuarial analysis to do all of the following:

(1) Inform the development and parameters of the program.

(2) Evaluate how funds that may currently be utilized to pay the Health Insurance Provider Fee ("HIPF") or may be recovered pursuant to litigation related to the HIPF may be used to contribute to the funding of the guaranteed benefits pool.

(3) Estimate the necessary funding required to reach the premium reduction goals of the program, taking into consideration all of the above-listed sources.

§1136. Program parameters

In establishing the program, the commissioner shall provide for all of the following:

(1) The criteria for individuals to be eligible for participation in the program.

(2) The development and use of health status statements with respect to eligible individuals.

(3) The standards for qualification, including but not limited to all of the following:

(a) The identification of health conditions that automatically qualify individuals as eligible individuals at the time of application for health insurance coverage.

(b) A process pursuant to which health insurance issuers may voluntarily qualify individuals who do not automatically qualify as eligible individuals at the time of application for coverage.

(4) The percentage of the premiums paid to health insurance issuers for health insurance coverage by eligible individuals that shall be collected and deposited to the credit and available for the use of the program.

(5) The threshold dollar amount of claims for eligible individuals after which the program will provide payments to health insurance issuers and the proportion of the claims above the threshold dollar amount that the program will pay.

§1137. Approval by legislature

A. The commissioner shall submit the actuarial analysis required by R.S. 22:1135 to the Joint Legislative Committee on the Budget.

B. The Joint Legislative Committee on the Budget shall meet to review and approve the actuarial analysis, the details of the program as determined by the commissioner, and any required funding. The committee may also take any other action with respect to the program deemed necessary by the committee.

§1138. Enrollment or participation limitation

The commissioner shall not enroll an individual or permit any individual to participate as an eligible individual in the program unless the commissioner has received written notification from the attorney general of a final and definitive ruling by a court of competent jurisdiction that the federal Patient Protection and Affordable Care Act, P.L. 111-148, is unconstitutional pursuant to R.S. 22:1122.

Section 2.(A) The commissioner of insurance shall take all such actions as are necessary to commission the actuarial analysis required by R.S. 22:1135, as enacted by Section 1 of this Act, before August 1, 2019.

(B) The commissioner of insurance shall submit the actuarial analysis as required by R.S. 22:1137, as enacted by Section 1 of this Act, and shall submit a report containing a detailed description of the proposed Louisiana Guaranteed Benefits Pool program to the Joint Legislative Committee on the Budget on or before March 1, 2020.

(C) Upon receipt of the actuarial analysis and report, the Joint Legislative Committee on the Budget shall meet at the next available opportunity to review and approve the actuarial analysis, the details of the program as determined by the commissioner, and any required funding pursuant to R.S. 22:1137, as enacted by Section 1 of this Act."

AMENDMENT NO. 11

On page 7, line 28, change "Section 2." to "Section 3."