2020 First Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 26

# BY REPRESENTATIVES BROWN, ADAMS, AMEDEE, BRYANT, CARRIER, WILFORD CARTER, CREWS, DAVIS, DESHOTEL, FRIEMAN, GAINES, GREEN, HILFERTY, MIKE JOHNSON, JONES, THOMPSON, WHITE, AND WILLARD

INSURANCE/HEALTH: Requests a joint subcommittee of the House Committee on Insurance and Senate Committee on Insurance to undertake a study to make recommendations for proposed legislation relative to balance or surprise billing in Louisiana

1	A CONCURRENT RESOLUTION
2	To authorize and request the chairmen of the House Committee on Insurance and the Senate
3	Committee on Insurance, acting jointly, to appoint a joint subcommittee composed
4	of members from each committee to research, study, and make recommendations for
5	proposed legislation and policy changes to address the issue of balance or surprise
6	billing in Louisiana.
7	WHEREAS, consumers continue to struggle with healthcare costs which are greatly
8	exacerbated by surprise gaps in their insurance coverage; and
9	WHEREAS, balance billing, sometimes referred to as surprise billing, occurs when
10	a physician or other healthcare provider who does not participate in a health benefit plan's
11	network of providers bills a patient for the difference between the provider's billed charge
12	and any amount paid to the provider; and
13	WHEREAS, the practice of balance billing arises with out-of-network providers,
14	because in-network providers are generally bound by network agreements that require the
15	participating provider to accept the payment under the health benefit plan, in addition to any
16	required cost-sharing payment, as full payment for the covered patient's obligations; and
17	WHEREAS, hospitals generally do not require all healthcare providers who work at
18	the hospital to be participating providers in the same health benefit plans as the hospital; and

#### HLS 201ES-419

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WHEREAS, providers of certain medical specialties, including emergency care and anesthesiology, often work in a hospital as independent contractors rather than as the hospital's employees; and WHEREAS, many consumers face unexpected and unaffordable out-of-network medical bills without knowledge that their providers were out-of-network at the time they received care; and WHEREAS, even when patients make every effort to see healthcare providers in their insurance network, situations may arise where they are treated by out-of-network providers without their knowledge and consent; and WHEREAS, because out-of-network providers may charge higher rates but are not required to disclose this information, patients can find themselves recovering from a serious disease or illness while facing higher than anticipated out-of-pocket medical costs; and WHEREAS, these medical costs can result in aggressive collection activity targeted at patients and their families and harm consumers by damaging their personal credit ratings for years after treatment; and WHEREAS, several states have passed laws to protect healthcare consumers from surprise insurance gaps; thus, consumers are protected from receiving a balance bill; and WHEREAS, there is insufficient protection in Louisiana law from surprise insurance gaps relative to other states, and it is beneficial to conduct a study into how these laws are working in other states and how these laws may be beneficial to Louisiana residents. THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and request the chairmen of the House Committee on Insurance and the Senate Committee on Insurance, acting jointly, to appoint a joint subcommittee composed of members from each committee to research, study, and make recommendations for proposed legislation and policy changes to address the issue of balance or surprise billing in Louisiana. BE IT FURTHER RESOLVED that the joint subcommittee shall be composed of six members with equal representation from each standing committee, and the members of the joint subcommittee shall elect a chairman by majority vote at the subcommittee's first meeting.

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1 BE IT FURTHER RESOLVED that the joint subcommittee shall do all of the 2 following: 3 (1) Study the issues related to balance billing that must be addressed to provide 4 solutions to balance billing and related issues. 5 (2) Assess the impact to commerce, including cost to consumers through balance 6 billing and health insurance premiums, compliance cost for healthcare providers, and 7 compliance cost for health insurers. 8 (3) Assess the need for direct payment by health insurance companies and health 9 maintenance organizations to out-of-network providers. 10 (4) Seek best practices for providing health services price transparency. 11 (5) Evaluate the approaches and solutions taken by other states in order to 12 recommend a comprehensive legislative solution that will best protect Louisiana consumers 13 from balance billing by healthcare providers. 14 (6) Assess the potential fiscal impact to this state of applying the various potential 15 approaches used in other states. 16 (7) Identify preferable legislative solutions for this state that best address the 17 problem without a fiscal impact to this state. 18 BE IT FURTHER RESOLVED that in undertaking the study, the joint subcommittee 19 shall conduct public hearings and seek input from the Louisiana Department of Insurance 20 and may request research, documents, or data and take any other actions it deems necessary 21 to carry out its functions. 22 BE IT FURTHER RESOLVED that the joint subcommittee shall also seek input, 23 recommendations, and advice from the following: 24 (1) State medical and behavioral health services provider associations. 25 (2) Not-for-profit organizations representing hospitals and other healthcare systems, 26 including the Louisiana Hospital Association. 27 (3) Representatives of health insurance companies, including health maintenance 28 organizations, issuing health benefit plans in this state. 29 (4) Representatives of health insurance underwriters groups. 30 (5) Representatives of health insurance agents.

- 1 (6) Representatives of employer groups.
- 2 (7) Two patient-focused consumer advocate groups.
- 3 BE IT FURTHER RESOLVED that the joint subcommittee shall report its findings
- 4 and recommendations to the Legislature of Louisiana including any proposed legislation
- 5 prior to the convening of the next 2020 Extraordinary Session but no later than September

6 30, 2020.

- 7 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
- 8 commissioner of insurance.

# DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 26 Reengrossed 2020 First Extraordinary Session Brown

Requests the chairmen of the House Committee on Insurance and the Senate Committee on Insurance to jointly appoint a subcommittee composed of members from each committee to research, study, and make recommendations for proposed legislation and policy changes to address the issue of balance or surprise billing in Louisiana.

Requests a written report and any proposed legislation prior to the convening of the next 2020 Extraordinary Session but no later than Sept. 30, 2020.

## Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Insurance</u> to the <u>original</u> bill:
- 1. Require the joint subcommittee to seek input from representatives of health insurance agents.

## The House Floor Amendments to the engrossed bill:

1. Require the joint subcommittee to seek input from representatives of employer groups.