

2021 Regular Session

SENATE BILL NO. 94

BY SENATOR HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURERS. Provides relative to insurance cost-sharing practices. (gov sig)

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AN ACT

To amend and reenact R.S. 22:1641(8) and to enact R.S. 22:976.1, relative to prohibitions on certain health insurance cost-sharing practices; to provide for definitions; to provide for fairness in enrollee cost-sharing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1641(8) is hereby amended and reenacted and R.S. 22:976.1 is enacted to read as follows:

§1641. Definitions

As used in this Part, unless the context requires otherwise, the following definitions shall be applicable:

* * *

(8) "Pharmacy benefit manager" means a person, business, or other entity and any wholly or partially owned or controlled subsidiary of such entity that **either directly or through an intermediary manages or** administers the prescription drug **or and** device portion of one or more health benefit plans on behalf of a third party, including **insurers**, plan sponsors, insurance companies, unions, and health maintenance organizations, in accordance with a pharmacy benefit management

1 plan. The management or administration of a plan may include but is not
2 limited to review, processing of drug prior authorization requests, adjudication
3 of appeals and grievances related to the prescription drug benefit, contracting
4 with network pharmacies, and controlling the cost of covered prescription
5 drugs.

6 * * *

7 §976.1. Fairness in enrollee cost-sharing

8 A. As used in this Section the following definitions shall apply:

9 (1) "Cost-sharing requirement" means any copayment, coinsurance,
10 deductible, or annual limitation on cost-sharing including but not limited to a
11 limitation subject to 42 U.S.C.A. 18022(c) and 300gg-6(b), required by or on
12 behalf of an enrollee in order to receive a specific health care service, including
13 a prescription drug, covered by a health benefit plan.

14 (2) "Enrollee" means an individual who is enrolled or insured by a
15 health insurance issuer for health care services.

16 (3) "Health benefit plan" means health care services provided directly
17 through insurance, reimbursement, or other means, and including items and
18 services paid for as health care services under any hospital or medical service
19 policy or certificate, hospital or medical service plan contract, preferred
20 provider organization contract, or health maintenance organization contract
21 offered by a health insurance issuer.

22 (4) "Health care services" means items or services furnished to any
23 individual for the purpose of preventing, alleviating, curing, or healing human
24 illness, injury, mental, or physical disability.

25 (5) "Health insurance issuer" means any entity that offers health
26 insurance coverage through a health benefit plan, policy, or certificate of
27 insurance subject to state law that regulates the business of insurance. "Health
28 insurance issuer" includes a health maintenance organization as defined and
29 licensed pursuant to Subpart I of Part I of Chapter 2 of this Title and the office

related to the prescription drug benefit, contracting with network pharmacies, and controlling the cost of covered prescription drugs.

Proposed law provides for fairness in enrollee cost-sharing. Defines terms for purposes of proposed law, including "cost-sharing requirement", "enrollee", "health benefit plan", "health care services", "health insurance issuer", and "person".

Proposed law provides that when calculating an enrollee's contribution to any applicable cost-sharing requirement, a health insurance issuer shall include any cost sharing amounts paid by the enrollee or on behalf of the enrollee by another person.

Proposed law provides that in implementing the requirements of proposed law, the state shall regulate a health insurance issuer only to the extent permissible under applicable law. Allows the commissioner of insurance to promulgate rules and regulations necessary to implement proposed law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 22:1641(8); adds R.S. 22:976.1)