The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 246 Original | 2026 Regular Session | Luneau

Present law provides procedures for utilization review determinations by healthcare insurers. Further provides for appeals from the utilization review decision. Proposed law retains present law.

Present law requires a healthcare insurer to provide written or electronic notice to an insured of an adverse utilization review determination and the reasons for the adverse determination. Proposed law retains present law.

Proposed law requires a healthcare insurer to inform an insured if artificial intelligence was used in the determination process.

Proposed law defines artificial intelligence.

Proposed law provides requirements for the use of artificial intelligence in utilization review.

Proposed law provides that artificial intelligence shall not replace the role of a healthcare provider in the utilization review determination.

Proposed law requires independent judgment from human utilization review personnel before making an adverse determination for a claim based on medical necessity or a procedure requiring prior authorization.

Proposed law requires compliance with applicable regulations and guidance from the United States Department of Health and Human Services.

Proposed law requires compliance with the Health Insurance and Portability Act of 1996.

Proposed law provides that an insured has a right to appeal an adverse determination made with a recommendation from artificial intelligence.

Proposed law forbids the use of artificial intelligence in any subsequent review of an adverse determination that used artificial intelligence.

Proposed law allows an insured as part of the appeals process to review and have copies of all documents relevant to any artificial intelligence used in the utilization review or determination process.

Effective August 1, 2026.

(Amends R.S. 22:1260.44(E)(2); adds R.S. 22:1260.49 and 2401(4))