
DIGEST

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Simon

HB No. 336

Abstract: Prohibits a health insurance provider from making coverage decisions based on an insured's life expectancy or terminal condition.

Proposed law prohibits a health care coverage plan from restricting coverage for medically appropriate 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 individual's behalf, based on an insured's life expectancy or diagnosis with a condition that may be terminal.

Proposed law provides that refusing to pay for treatment rendered to an insured near the end of life that is consistent with best practices for treatment of a disease or condition, approved uses of a drug or device, or uses supported by peer-reviewed medical literature, shall be a per se violation of proposed law.

Proposed law provides that violations shall constitute an unfair trade practice and subject the violator to the penalties provided for in present law.

Proposed law prohibits a health benefit paid directly or indirectly with state funds including but not limited to Medicaid or Office of Group Benefits programs from restricting coverage for medically appropriate 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 on an individual's life expectancy or diagnosis with a condition that may be terminal.

Proposed law provides that refusing to pay for treatment rendered to an individual near the end of life that is consistent with best practices for treatment of a disease or condition, approved uses of a drug or device, or uses supported by peer-reviewed medical literature, shall be a per se violation of proposed law.

Proposed law defines "terminal condition" as any aggressive malignancy, chronic end-stage cardiovascular or cerebral vascular disease, or any other disease, illness, or condition which a physician diagnoses as terminal.

Proposed law defines "health coverage plan" as 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.

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

(Adds R.S. 22:1054 and R.S. 46:2921)