

Regular Session, 2012

# ACT No. 217

HOUSE BILL NO. 989

BY REPRESENTATIVES HUVAL, PIERRE, REYNOLDS, RITCHIE, TALBOT, AND THIBAUT

1 AN ACT

2 To enact R.S. 22:978(E) and (F), relative to group, family group, blanket, and association  
3 health and accident insurance and health maintenance organizations; to provide with  
4 respect to notice required for certain premium increase, cancellation, or nonrenewal;  
5 to provide for the release of claims data; to provide with respect to civil immunity  
6 and certifications; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:978(E) and (F) are hereby enacted to read as follows:

9 §978. Group, family group, blanket, and association health and accident insurance;  
10 notice required for certain premium increase, cancellation, or nonrenewal

11 \* \* \*

12 E.(1) Not less than ninety days prior to the renewal of a policy, every health  
13 and accident insurance issuer, including a health maintenance organization, shall,  
14 upon request, release to each group policyholder or agent of a policyholder claims  
15 data and shall provide this data within no more than fourteen business days of receipt  
16 of the request, which shall include the following items:

17 (a) The net claims paid by month during the policy period.

18 (b) The monthly enrollment by employee only, employee and spouse, and  
19 employee and family during the policy period.

20 (c) The amount of any claims reserve established by the insurance provider  
21 against future claims under the policy.

22 (d) Claims over ten thousand dollars including claim identifier, the date of  
23 occurrence, the amount of claims paid and those unpaid or outstanding, and claimant  
24 health condition or diagnosis.

1           (e) A complete listing of all potential catastrophic diagnoses and prognoses  
2           involving persons covered under the policy provisions.

3           (2) A health and accident insurer that discloses data or information in  
4           compliance with the provisions of this Section may condition any such disclosure  
5           upon the execution of an agreement for immunity from civil liability.

6           (3) A health and accident insurer that provides data or information in  
7           compliance with the provisions of this Section shall be immune from civil liability  
8           for any acts or omissions of any person's subsequent use of such data or information.

9           (4) The provisions of this Subsection shall not be construed to authorize the  
10           disclosure of the identity of a particular employee covered under the group policy,  
11           nor the disclosure of any individual employee's particular health insurance claim,  
12           condition, diagnosis, or prognosis, which would violate federal or state law.

13           (5) For purposes of this Subsection, "claim identifier" shall be defined as  
14           data that reflects a number designation including but not limited to an alphabetic or  
15           alphanumeric designation which shall not be a name identifier of an employee,  
16           employee's spouse, or employee's dependent.

17           (6) The provisions of this Subsection shall not apply to limited benefit  
18           insurance, as defined by R.S. 22:47(2)(c).

19           (7) A plan sponsor is entitled to receive protected health information under  
20           this Section only after an appropriately authorized representative of the plan sponsor  
21           makes to the health and accident insurer a certification substantially similar to the  
22           following certification:

23           'I hereby certify and have demonstrated that the plan  
24           documents comply with the requirements of 45 C.F.R.  
25           Section 164.504(f)(2) and that the plan sponsor will safeguard  
26           and limit the use and disclosure of protected health  
27           information that the plan sponsor may receive from the group  
28           health plan to perform the plan administration functions.'

29           (8) A plan sponsor that does not provide the certification required in  
30           Paragraph (7) of this Subsection is not entitled to receive the protected health

1 information described in Subparagraphs (1)(d) and (e) of this Subsection, but is  
2 entitled to receive a report of claim information that includes the other information  
3 required by this Subsection.

4 F. For purposes of this Section, the term "health and accident insurer" or  
5 "health and accident insurance issuer" shall include a health maintenance  
6 organization, the term "policy" shall include a subscriber agreement, and the term  
7 "policyholder" shall include an enrollee or subscriber of a health maintenance  
8 organization.

9 Section 2. This Act shall become effective on January 1, 2013.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_