

Regular Session, 2010
HOUSE BILL NO. 244

ACT No. 912

BY REPRESENTATIVE KLECKLEY

1 AN ACT

2 To amend and reenact R.S. 22:1000(A)(1)(a)(vi) and (2), 1002, and 1003 and to enact R.S.
3 22:1003.1, relative to dependent health insurance coverage for children or
4 grandchildren; to provide for such coverage until the age of twenty-six; to delete the
5 requirement for full-time student status; to delete the requirement for unmarried
6 status; to provide for exceptions; to set certain requirements and restrictions for
7 health insurance issuers and health maintenance organizations in providing such
8 coverage; to exempt the Office of Group Benefits; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 22:1000(A)(1)(a)(vi) and (2), 1002, and 1003 are hereby amended
11 and reenacted and R.S. 22:1003.1 is hereby enacted to read as follows:

12 §1000. Group, family group, blanket, and association health and accident insurance

13 A.

14 * * *

15 (1) Group health and accident insurance is any policy of health and accident
16 insurance, or similar coverage issued by a health maintenance organization, covering
17 more than one person, except family group, and blanket policies hereinafter
18 specifically provided for, which shall conform to the following requirements:

19 (a)

20 * * *

21 (vi) The policy may be issued to an employer, association, or to the trustees
22 of a fund established by two or more employers in the same industry or by one or
23 more labor unions, or by one or more employers and one or more labor unions, or to
24 a multiple employer trust established by an insurer on behalf of participating

1 employers, provided all participating employers and employees have the same
 2 statutory protections that would apply if such policy was purchased by the employer
 3 directly from the insurer, which trustees shall be deemed the policyholder, to insure
 4 with or without any eligible family members including spouse, ~~unmarried~~ children
 5 ~~under twenty-one years of age, and unmarried~~ until the age of twenty-six, and
 6 grandchildren who are in the legal custody of and residing with the grandparent
 7 ~~under twenty-one years of age, until the age of twenty-six pursuant to R.S. 22:1003~~
 8 ~~and 1003.1~~, employees of the employers or members of the association or of the
 9 unions for the benefit of persons other than the employers or the unions.

10 * * *

11 ~~(2)(a) Except as provided in Subparagraph (b) of this Paragraph, family~~
 12 Family group health and accident insurance or similar coverage issued by a health
 13 maintenance organization is an individual policy covering any one person, with or
 14 without any eligible members, including spouse and ~~unmarried~~ children ~~under~~
 15 ~~twenty-one years of age or, in the case of full-time students, unmarried children~~
 16 ~~under~~ until the age of ~~twenty-four, twenty-six~~, and ~~unmarried~~ grandchildren ~~under~~
 17 ~~twenty-one years of age in the legal custody of and residing with the grandparent or,~~
 18 ~~in the case of full-time students, unmarried grandchildren under~~ until the age of
 19 ~~twenty-four~~ twenty-six who are in the legal custody of and residing with the
 20 grandparent; pursuant to R.S. 22:1003 and 1003.1, except that the policy may
 21 provide for continuing coverage for any ~~unmarried~~ child or grandchild in the legal
 22 custody of and residing with the grandparent who is incapable of self-sustaining
 23 employment by reason of mental retardation or physical handicap, who became so
 24 incapable prior to attainment of age ~~twenty-one, twenty-six~~, and any other person
 25 dependent upon the policyholder, written under a master policy issued to the head
 26 of such family. The policy shall contain a provision that the policy, and the
 27 application of the head of the family if attached thereto, shall constitute the entire
 28 contract between the parties.

29 ~~(b) Every family group health and accident insurance policy or health~~
 30 ~~maintenance organization subscriber agreement which provides coverage, pursuant~~

1 E. (1) Children Unmarried dependent children who ~~attend~~ are enrolled as
 2 students at an accredited college or university or at a vocational, technical,
 3 vocational-technical, or trade schools school or institutes in Louisiana institute on
 4 a full-time basis shall be considered as full-time students for purposes of coverage
 5 by family group health and accident insurance policies issued in this state: the Office
 6 of Group Benefits.

7 (2) In order to qualify for coverage as a dependent of a grandparent, an
 8 unmarried child must be in the legal custody of and reside with the grandparent.

9 ~~The provisions of this section shall apply to all policies issued more than~~
 10 ~~ninety days following July 31, 1974. Any insurer who, on July 31, 1974, has health~~
 11 ~~and accident insurance policies in force shall have until July 31, 1975 to convert such~~
 12 ~~existing policies to conform to the provisions of this section.~~

13 §1003. Coverage of ~~unmarried students~~ children for group and individual health and
 14 accident insurance; exception

15 ~~A.(1) Except as provided in Paragraph (2) of this Subsection, students who~~
 16 ~~are unmarried children~~ Children, including a grandchild in the legal custody of and
 17 residing with a grandparent, who have not yet attained until the age of ~~twenty-four~~
 18 twenty-six and who ~~are enrolled as full-time students at an accredited college or~~
 19 ~~university, or at a vocational, technical, vocational-technical or trade school or~~
 20 ~~institute, or secondary school, and who are dependent upon the primary insured~~
 21 ~~under any group health and accident or association health and accident insurance~~
 22 ~~policy or health maintenance organization subscriber agreement issued in this state~~
 23 ~~for their support, shall be considered as dependents of the primary insured or enrollee~~
 24 ~~under the provisions of said policy.~~ any family group health and accident insurance
 25 policy, group health and accident insurance policy, or similar coverage issued by a
 26 health maintenance organization in this state.

27 ~~(2) Every unmarried child under the age of twenty-four who is enrolled as~~
 28 ~~a full-time student at an accredited college or university, or a vocational, technical,~~
 29 ~~vocational-technical, or trade school or institute, or secondary school and who is~~
 30 ~~dependent for their support on the primary insured under any group health and~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 accident or association health and accident insurance policy issued in this state shall
 2 continue to be considered a dependent under the provisions of such policy if the
 3 unmarried child develops a mental or nervous condition, problem, or disorder which
 4 renders the unmarried child, in the opinion of a qualified psychiatrist, subject, if
 5 deemed necessary by the insurer or health maintenance organization, to a second
 6 opinion, unable to attend school as a full-time student and from holding self-
 7 sustaining employment until the student reaches the age of twenty-four.

8 B. For group plans in existence before March 23, 2010, only, the provisions
 9 of this Section shall apply only if the child is not eligible to enroll in an eligible
 10 employer-sponsored health plan. The provisions of this Subsection shall not apply
 11 for plan years beginning after January 1, 2014.

12 B.C. The provisions of this Section shall apply to all policies issued or
 13 renewed or issued for delivery in this state after September 1, 1997. 2010. Any
 14 insurer who, on September 1, 1997, has health and accident insurance policies or
 15 health maintenance organization subscriber agreements in force in this state shall
 16 have until September 1, 1998, to convert such existing policies or to conform to the
 17 provisions of this Section.

18 §1003.1. Children; premiums; portability; enrollment; exception

19 A. In reference to R.S. 22:1003, the following shall apply:

20 (1) The premium for coverage under any family group health and accident
 21 insurance policy, group health and accident insurance policy, or similar coverage
 22 issued by a health maintenance organization in this state shall not increase on the
 23 basis of the addition of a child or grandchild under the age of twenty-six unless there
 24 are no dependent children covered under the policy prior to the addition of such child
 25 or grandchild. The health insurance issuer or health maintenance organization shall
 26 apply portability rights in reference to preexisting conditions to the newly added
 27 child or grandchild as described in R.S. 22:1062(A) and (B). The preexisting
 28 condition waiting period applicable to such child or grandchild shall be applied to
 29 the child or grandchild in the same manner as any other dependent.

1 (2) The health insurance issuer or health maintenance organization shall
2 offer to all insureds or enrollees a special enrollment period of not less than thirty
3 days beginning on September 23, 2010, to include a child or grandchild under the
4 age of twenty-six as a new entrant covered under the policy or subscriber agreement.
5 It is solely the insured's or enrollee's decision whether to add such child or
6 grandchild to the policy or subscriber agreement.

7 (3) The health insurance issuer or health maintenance organization shall not
8 limit or otherwise restrict the offer of coverage to a child or grandchild until the age
9 of twenty-six by requiring any of the following:

10 (a) That the child or grandchild had to have been previously covered as a
11 dependent.

12 (b) That the child or grandchild resides in this state.

13 (c) That the child or grandchild demonstrate that he had previous creditable
14 coverage.

15 (d) That the enrollee or insured requested coverage for the child or
16 grandchild the first time such child or grandchild was eligible for coverage.

17 (4) The health insurance issuer or health maintenance organization may not
18 deny coverage to a child or grandchild under the age of twenty-six when the enrollee
19 or insured requests coverage.

20 (5) The health insurance issuer or health maintenance organization shall
21 offer coverage for an enrollee's or insured's children or grandchildren under the age
22 of twenty-six as new entrants through special enrollment and shall annually provide
23 at least a thirty-day enrollment period. The health insurance issuer or health
24 maintenance organization may request documentation of such child's or grandchild's
25 creditable coverage to determine portability.

26 B. For group plans in existence before March 23, 2010, only, the provisions
27 of this Section shall apply only if the child is not eligible to enroll in an eligible
28 employer-sponsored health plan. The provisions of this Subsection shall not apply
29 for plan years beginning after January 1, 2014.

1 C. The provisions of this Section shall apply to all policies or subscriber
2 agreements issued or renewed or issued for delivery in this state after September 23,
3 2010.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____