

Regular Session, 2014

HOUSE BILL NO. 336

BY REPRESENTATIVE SIMON AND SENATOR NEVERS

HEALTH/MEDICAL TREATMENT: Provides relative to the right to treatment for a person with a terminal condition

1 AN ACT

2 To enact R.S. 22:1054 and Chapter 67 of Title 46 of the Louisiana Revised Statutes of 1950,
3 to be comprised of R.S. 46:2921, relative to medical treatment for terminal
4 conditions; to prohibit health care plan treatment coverage decisions based upon an
5 individual's terminal diagnosis; to provide for penalties; to provide for definitions;
6 to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1054 is hereby enacted to read as follows:

9 §1054. Requirement for coverage of treatment for a terminal condition

10 A. Notwithstanding any other provision of the law to the contrary and
11 particularly the provisions of R.S. 22:1047, no health care coverage plan shall restrict
12 coverage for medically appropriate treatment prescribed by a physician and agreed
13 to by a fully informed insured or, if the insured lacks legal capacity to consent, by
14 a person who has legal authority to consent on the individual's behalf, based on an
15 insured's life expectancy or diagnosis with a condition that may be terminal.

16 B. Refusing to pay for treatment rendered to an insured near the end of life
17 that is consistent with best practices for treatment of a disease or condition, approved
18 uses of a drug or device, or uses supported by peer-reviewed medical literature, shall
19 be a per se violation of this Section.

1 C. Any violation of this Section shall constitute an unfair trade practice and
2 subject the violator to the penalties provided for in R.S. 22:1961 et seq.

3 D.(1) As used in this Section, "terminal condition" means any aggressive
4 malignancy, chronic end-stage cardiovascular or cerebral vascular disease, or any
5 other disease, illness, or condition which a physician diagnoses as terminal.

6 (2) As used in this Section, "health coverage plan" means any hospital,
7 health or medical insurance policy, hospital or medical service contract, employee
8 welfare benefit plan, contract or agreement with a health maintenance organization
9 or a preferred provider organization, health and accident insurance policy, or any
10 other insurance contract of this type, including a group insurance plan and the Office
11 of Group Benefits programs.

12 Section 2. Chapter 67 of Title 46 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 46:2921, is hereby enacted to read as follows:

14 CHAPTER 67. RIGHTS OF INDIVIDUALS WITH A TERMINAL CONDITION

15 §2921. Rights of individuals with a terminal condition; insurance coverage;
16 violations

17 A. Notwithstanding any other provision of the law to the contrary, no health
18 benefit paid directly or indirectly with state funds including but not limited to
19 Medicaid or Office of Group Benefits programs shall restrict coverage for medically
20 appropriate treatment prescribed by a physician and agreed to by a fully informed
21 individual or, if the individual lacks legal capacity to consent, by a person who has
22 legal authority to consent on the individual's behalf, based on an individual's life
23 expectancy or diagnosis with a condition that may be terminal.

24 B. Refusing to pay for treatment rendered to an individual near the end of life
25 that is consistent with best practices for treatment of a disease or condition, approved
26 uses of a drug or device, or uses supported by peer-reviewed medical literature, shall
27 be a per se violation of this Section.

1 C. As used in this Section "terminal condition" means any aggressive
 2 malignancy, chronic end-stage cardiovascular or cerebral vascular disease, or any
 3 other disease, illness, or condition which a physician diagnoses as terminal.

4 Section 3. This Act shall become effective upon signature by the governor or, if not
 5 signed by the governor, upon expiration of the time for bills to become law without signature
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 8 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

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)