

2020 First Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 26

BY REPRESENTATIVES BROWN, ADAMS, AMEDEE, BRYANT, CARRIER, WILFORD CARTER, CREWS, DAVIS, DESHOTEL, FRIEMAN, GAINES, GREEN, HILFERTY, MIKE JOHNSON, JONES, THOMPSON, WHITE, AND WILLARD

A CONCURRENT RESOLUTION

To authorize and request the chairmen of the House Committee on Insurance and the Senate Committee on Insurance, acting jointly, to appoint a joint subcommittee composed of members from each committee to research, study, and make recommendations for proposed legislation and policy changes to address the issue of balance or surprise billing in Louisiana.

WHEREAS, consumers continue to struggle with healthcare costs which are greatly exacerbated by surprise gaps in their insurance coverage; and

WHEREAS, balance billing, sometimes referred to as surprise billing, occurs when a physician or other healthcare provider who does not participate in a health benefit plan's network of providers bills a patient for the difference between the provider's billed charge and any amount paid to the provider; and

WHEREAS, the practice of balance billing arises with out-of-network providers, because in-network providers are generally bound by network agreements that require the participating provider to accept the payment under the health benefit plan, in addition to any required cost-sharing payment, as full payment for the covered patient's obligations; and

WHEREAS, hospitals generally do not require all healthcare providers who work at the hospital to be participating providers in the same health benefit plans as the hospital; and

WHEREAS, providers of certain medical specialties, including emergency care and anesthesiology, often work in a hospital as independent contractors rather than as the hospital's employees; and

WHEREAS, many consumers face unexpected and unaffordable out-of-network medical bills without knowledge that their providers were out-of-network at the time they received care; and

WHEREAS, even when patients make every effort to see healthcare providers in their insurance network, situations may arise where they are treated by out-of-network providers without their knowledge and consent; and

WHEREAS, because out-of-network providers may charge higher rates but are not required to disclose this information, patients can find themselves recovering from a serious disease or illness while facing higher than anticipated out-of-pocket medical costs; and

WHEREAS, these medical costs can result in aggressive collection activity targeted at patients and their families and harm consumers by damaging their personal credit ratings for years after treatment; and

WHEREAS, several states have passed laws to protect healthcare consumers from surprise insurance gaps; thus, consumers are protected from receiving a balance bill; and

WHEREAS, there is insufficient protection in Louisiana law from surprise insurance gaps relative to other states, and it is beneficial to conduct a study into how these laws are working in other states and how these laws may be beneficial to Louisiana residents.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and request the chairmen of the House Committee on Insurance and the Senate Committee on Insurance, acting jointly, to appoint a joint subcommittee composed of members from each committee to research, study, and make recommendations for proposed legislation and policy changes to address the issue of balance or surprise billing in Louisiana.

BE IT FURTHER RESOLVED that the joint subcommittee shall be composed of six members with equal representation from each standing committee, and the members of the joint subcommittee shall elect a chairman by majority vote at the subcommittee's first meeting.

BE IT FURTHER RESOLVED that the joint subcommittee shall do all of the following:

(1) Study the issues related to balance billing that must be addressed to provide solutions to balance billing and related issues.

(2) Assess the impact to commerce, including cost to consumers through balance billing and health insurance premiums, compliance cost for healthcare providers, and compliance cost for health insurers.

(3) Assess the need for direct payment by health insurance companies and health maintenance organizations to out-of-network providers.

(4) Seek best practices for providing health services price transparency.

(5) Evaluate the approaches and solutions taken by other states in order to recommend a comprehensive legislative solution that will best protect Louisiana consumers from balance billing by healthcare providers.

(6) Assess the potential fiscal impact to this state of applying the various potential approaches used in other states.

(7) Identify preferable legislative solutions for this state that best address the problem without a fiscal impact to this state.

BE IT FURTHER RESOLVED that in undertaking the study, the joint subcommittee shall conduct public hearings and seek input from the Louisiana Department of Insurance and may request research, documents, or data and take any other actions it deems necessary to carry out its functions.

BE IT FURTHER RESOLVED that the joint subcommittee shall also seek input, recommendations, and advice from the following:

(1) State medical and behavioral health services provider associations.

(2) Not-for-profit organizations representing hospitals and other healthcare systems, including the Louisiana Hospital Association.

(3) Representatives of health insurance companies, including health maintenance organizations, issuing health benefit plans in this state.

(4) Representatives of health insurance underwriters groups.

(5) Representatives of health insurance agents.

(6) Representatives of employer groups.

(7) Two patient-focused consumer advocate groups.

BE IT FURTHER RESOLVED that the joint subcommittee shall report its findings and recommendations to the Legislature of Louisiana including any proposed legislation prior to the convening of the next 2020 Extraordinary Session but no later than September 30, 2020.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the commissioner of insurance.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE