

SENATE BILL NO. 94

BY SENATOR HARRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 22:1641(8) and to enact R.S. 22:976.1, relative to prohibitions on certain health insurance cost-sharing practices; to provide for definitions; to provide for fairness in enrollee cost-sharing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1641(8) is hereby amended and reenacted and R.S. 22:976.1 is enacted to read as follows:

§1641. Definitions

As used in this Part, unless the context requires otherwise, the following definitions shall be applicable:

\* \* \*

(8) "Pharmacy benefit manager" means a person, business, or other entity and any wholly or partially owned or controlled subsidiary of such entity that either directly or through an intermediary manages or administers the prescription drug or and device portion of one or more health benefit plans on behalf of a third party, including insurers, plan sponsors, insurance companies, unions, and health maintenance organizations, in accordance with a pharmacy benefit management plan. The management or administration of a plan may include but is not limited to review, processing of drug prior authorization requests, adjudication of appeals and grievances related to the prescription drug benefit, contracting with network pharmacies, and controlling the cost of covered prescription drugs.

\* \* \*

§976.1. Fairness in enrollee cost-sharing

1           A. As used in this Section the following definitions shall apply:

2           (1) "Cost-sharing requirement" means any copayment, coinsurance,  
3           deductible, or annual limitation on cost-sharing including but not limited to a  
4           limitation subject to 42 U.S.C. 18022(c) and 300gg-6(b), required by or on  
5           behalf of an enrollee in order to receive a specific healthcare service, including  
6           a prescription drug, covered by a health benefit plan.

7           (2) "Enrollee" means an individual who is enrolled or insured by a  
8           health insurance issuer for healthcare services.

9           (3) "Health benefit plan" means healthcare services provided directly  
10           through insurance, reimbursement, or other means, and including items and  
11           services paid for as healthcare services under any hospital or medical service  
12           policy or certificate, hospital or medical service plan contract, preferred  
13           provider organization contract, or health maintenance organization contract  
14           offered by a health insurance issuer.

15           (4) "Healthcare services" means items or services furnished to any  
16           individual for the purpose of preventing, alleviating, curing, or healing human  
17           illness, injury, or a mental or physical disability.

18           (5) "Health insurance issuer" means any entity that offers health  
19           insurance coverage through a health benefit plan, policy, or certificate of  
20           insurance subject to state law that regulates the business of insurance. "Health  
21           insurance issuer" includes a health maintenance organization as defined and  
22           licensed pursuant to Subpart I of Part I of Chapter 2 of this Title and the office  
23           of group benefits as created pursuant to Chapter 12 of Title 42 of the Louisiana  
24           Revised Statutes of 1950.

25           (6) "Person" means a natural person, corporation, mutual company,  
26           unincorporated association, partnership, joint venture, limited liability  
27           company, trust, estate, foundation, not-for-profit corporation, unincorporated  
28           organization, government or governmental subdivision, or agency.

29           B. When calculating an enrollee's contribution to any applicable  
30           cost-sharing requirement, a health insurance issuer shall include any

1 cost-sharing amounts paid by the enrollee or on behalf of the enrollee by  
2 another person.

3 C. In implementing the requirements of this Section, the state shall  
4 regulate a health insurance issuer only to the extent permissible under  
5 applicable law.

6 D. The commissioner of insurance may promulgate rules and regulations  
7 necessary to implement this Section.

8 Section 2. This Act shall become effective upon signature by the governor or, if not  
9 signed by the governor, upon expiration of the time for bills to become law without signature  
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
12 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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