

Regular Session, 2010

HOUSE BILL NO. 272

BY REPRESENTATIVE CARTER

INSURANCE/GROUP-STATE: Provides for certain health insurance options related to the insured's lifestyle with respect to tobacco use and weight

1 AN ACT

2 To enact R.S. 42:860, relative to the state group benefits program; to provide for the
3 implementation of an employee wellness program; to provide for enrollment in state
4 group health plans; to provide for verification of certain health indicators; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:860 is hereby enacted to read as follows:

8 §860. Implementation of an employee wellness program

9 A. This Section shall apply to any employee as defined in R.S. 42:808 who
10 does not have Medicare coverage and who seeks to enroll in a health benefit plan
11 offered by the Office of Group Benefits pursuant to this Part.

12 B. All employees who seek to enroll in a health benefit plan offered by the
13 Office of Group Benefits may enroll in a plan chosen for the employee by the Office
14 of Group Benefits unless the employing agency can verify that the employee and any
15 qualified dependent of the employee:

- 16 (1) Does not smoke or otherwise use tobacco products.
- 17 (2) Has a weight and height ratio within a range determined by the Office of
- 18 Group Benefits based on evidence-based healthy weight clinical guidelines.

19 C. Any employee who has verification that neither the employee nor the
20 employee's qualified dependents use tobacco, or who has verification that such

1 employee or dependent is participating in a tobacco cessation program, may enroll
2 in any health plan offered by the Office of Group Benefits, for which the employee
3 may be otherwise qualified.

4 D. Any employee who has verification that the employee and the employee's
5 qualified dependents have a weight and height ratio within the required range, or has
6 a medical condition that prevents the attainment of the acceptable weight and height
7 ratio, or that the employee or dependent is actively participating in a weight
8 management program, may enroll in any health plan offered by the Office of Group
9 Benefits, for which the employee may be otherwise qualified.

10 E. Tobacco use and weight shall be assessed annually.

11 F.(1) Each employing agency with employees participating in the Office of
12 Group Benefits program shall complete the verification of tobacco use and weight
13 for each employee and qualifying dependent who seek to participate in a health
14 insurance program offered by the Office of Group Benefits.

15 (2) Each agency shall develop a method that has been approved by the Office
16 of Group Benefits for verifying the following:

17 (a) Tobacco use.

18 (b) Weight and height ratio.

19 (c) Participation in a tobacco cessation program.

20 (d) Participation in a weight management program.

21 (e) A medical condition that prevents the attainment of the acceptable weight
22 and height ratio.

23 (3) Each employing agency shall complete the verification and submit the
24 results to the Office of Group Benefits no less than thirty days prior to any annual
25 enrollment period established by the Office of Group Benefits. The results shall be
26 submitted in a form and manner prescribed by the Office of Group Benefits.

27 (4) Each agency shall comply with state and federal laws regarding health
28 information privacy.

1 G. The Office of Group Benefits shall develop a process of appeal for any
2 action taken due to an employee's failure to comply with the tobacco cessation or
3 weight management requirements.

4 H. The Office of Group Benefits shall promulgate rules and regulations in
5 accordance with the Administrative Procedure Act to implement the provisions of
6 this Section.

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)]

Carter

HB No. 272

Abstract: Provides for certain health insurance options for employees in state group health insurance related to the insured's lifestyle with respect to tobacco use and weight.

Proposed law applies to all employees defined in present law (R.S. 42:808) who do not have Medicare coverage and who seek to participate in health programs offered by the Office of Group Benefits.

Proposed law requires the Office of Group Benefits to choose a health plan for the employee and their dependents to enroll, unless they can verify that they do not smoke or otherwise use tobacco products and that they have a weight and height ratio within a range determined by the Office of Group Benefits based on evidence-based healthy weight clinical guidelines.

Proposed law provides for annual assessment, by each employing agency, of tobacco use and weight.

Proposed law requires the Office of Group Benefits to develop a process of appeal for any action taken due to an employee's failure to comply with the smoking cessation or weight management requirements.

(Adds R.S. 42:860)