Regular Session, 2010 HOUSE BILL NO. 744

ENROLLED ACT NO. 484

BY REPRESENTATIVE ROY

1	AN ACT
2	To amend and reenact R.S. 22:1068(B)(2) and 1074(B)(2) and to enact R.S. 22:1063(C),
3	relative to discontinuance or cancellation of health insurance coverage; to limit such
4	discontinuance or cancellation under certain circumstances; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 22:1068(B)(2) and 1074(B)(2) are hereby amended and reenacted
8	and R.S. 22:1063(C) is hereby enacted to read as follows:
9	§1063. Prohibiting discrimination against individual participants and beneficiaries
10	based on health status
11	* * *
12	C. A health insurance issuer offering group health insurance coverage shall
13	not rescind such coverage with respect to an enrollee or insured once the enrollee or
14	insured is covered under such coverage involved, except that this Subsection shall
15	not apply to an enrollee or insured who has performed an act or practice that
16	constitutes fraud or makes an intentional misrepresentation of material fact. Such
17	coverage may not be cancelled except with prior notice to the enrollee or insured,
18	and only as permitted by federal law or regulation pursuant to 42 U.S.C.A. Section
19	300gg-12, (Public Health Services Act). The provisions of this Subsection shall not
20	apply to limited benefit health insurance policies or contracts, disability income,
21	long-term care, nursing home care, home health care, community based care, dental
22	or vision benefits, Medicare supplement, specified disease or illness, hospital

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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1	indemnity or other fixed indemnity insurance, workers' compensation or similar
2	insurance.
3	* * *
4	§1068. Guaranteed renewability of coverage for employers in the group market
5	* * *
6	B. A health insurance issuer may non-renew or discontinue health insurance
7	coverage offered in connection with a group health plan in the small or large group
8	market based only on one or more of the following:
9	* * *
10	(2) The plan sponsor has performed an act or practice that constitutes fraud
11	or made an intentional misrepresentation of material fact. under the terms of the
12	coverage. Such health insurance coverage may not be cancelled except with prior
13	notice to the enrollee or insured, and only as permitted by federal law or regulation
14	pursuant to 42 U.S.C. A. Section 300gg-12, (Public Health Services Act). The
15	provisions of this Paragraph shall not apply to limited benefit health insurance
16	policies or contracts authorized to be issued in this state. The provisions of this
17	Subsection shall not apply to limited benefit health insurance policies or contracts,
18	disability income, long-term care, nursing home care, home health care, community
19	based care, dental or vision benefits, Medicare supplement, specified disease or
20	illness, hospital indemnity or other fixed indemnity insurance, workers'
21	compensation or similar insurance.
22	* * *
23	\$1074. Guaranteed renewability of individual health insurance coverage
24	* * *
25	B. A health insurance issuer may non-renew or discontinue health insurance
26	coverage of an individual in the individual market based only on one or more of the
27	following:
28	* * *
29	(2) The individual has performed an act or practice that constitutes fraud or
30	made an intentional misrepresentation of material fact. under the terms of the

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1	coverage; Such health insurance coverage may not be cancelled except with prior
2	notice to the enrollee or insured, and only as permitted by federal law or regulation
3	pursuant to 42 U.S.C.A. Section 300gg-12, (Public Health Services Act). The
4	provisions of this Paragraph shall not apply to limited benefit health insurance
5	policies or contracts authorized to be issued in this state. The provisions of this
6	Subsection shall not apply to limited benefit health insurance policies or contracts,
7	disability income, long-term care, nursing home care, home health care, community
8	based care, dental or vision benefits, Medicare supplement, specified disease or
9	illness, hospital indemnity or other fixed indemnity insurance, workers'
10	compensation or similar insurance.
11	* * *
12	Section 2. This Act shall become effective on September 23, 2010.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____