

2015 Regular Session

HOUSE RESOLUTION NO. 149

BY REPRESENTATIVE ROBERT JOHNSON

A RESOLUTION

To urge and request the Department of Insurance to study the appeals process and its impact on those with critical illnesses.

WHEREAS, Louisiana has a statutory process by which persons who have been denied a medical benefit by their health insurers may appeal that decision; and

WHEREAS, such denials are referred to in the law as "adverse determinations"; and

WHEREAS, such adverse determinations are often based upon a health insurer's decision that a medication is not medically necessary; and

WHEREAS, due to such a determination, persons with critical illnesses lose access to medications that are indeed medically necessary, even during the appeals process; and

WHEREAS, such critical illnesses include but are not limited to multiple sclerosis, cancer, heart disease, Alzheimer's, and muscular dystrophy; and

WHEREAS, denying such persons access to such medications can result in immediate and irreversible damage to their health.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request the Department of Insurance to study the appeals process and its impact on those with critical illnesses.

BE IT FURTHER RESOLVED that the study include the following factors: how many adverse determinations involving medications, not based on formulary changes, are made during one year in this state; how many appeals are filed based on such adverse determinations; the average length of such an appeal; and how many of these appeals are upheld or overturned.

BE IT FURTHER RESOLVED that the study also include the following factors: the average notification time of such adverse determination; whether the person's physician is consulted prior to making the adverse determination; and what factors are considered when an adverse determination is made due to the health insurer finding a medication medically unnecessary.

BE IT FURTHER RESOLVED that the Department of Insurance may submit its findings from the study in the form of a report to the House Committee on Insurance and the Senate Committee on Insurance on or before January 15, 2016.

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