

ACT No. 269

Regular Session, 2004

HOUSE BILL NO. 986

BY REPRESENTATIVE HEBERT

1 AN ACT

2 To amend and reenact R.S. 22:250.2(E)(2)(b) and (c), 250.11(E), and 250.15(A) and to enact
3 R.S. 22:250.4(F), relative to standards for health benefits for mothers and newborns;
4 to provide with respect to coverage of a newborn child; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:250.2(E)(2)(b) and (c), 250.11(E), and 250.15(A) are hereby
8 amended and reenacted and R.S. 22:250.4(F) is hereby enacted to read as follows:

9 §250.2. Increased portability through limitation on preexisting condition exclusions

10 * * *

11 E.

12 * * *

13 (2)

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15 (b) A dependent special enrollment period under this Paragraph shall be a
16 period of not less than thirty days and shall begin on the later of the following:

17 (i) The date dependent coverage is made available.

18 (ii) The date of the marriage, ~~birth~~, or adoption or placement for adoption,
19 as the case may be.

20 (c) If an individual seeks to enroll a dependent during the first thirty days of
21 such a dependent special enrollment period, the coverage of the dependent shall
22 become effective as follows:

23 (i) In the case of marriage, not later than the first day of the first month
24 beginning after the date the completed request for enrollment is received.

25 ~~(ii) In the case of a dependent's birth, as of the date of such birth.~~

1 ~~(iii)~~ (ii) In the case of a dependent's adoption or placement for adoption, the
2 date of such adoption or placement for adoption.

3 * * *

4 §250.4. Standards relating to benefits for mothers and newborns

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6 F. Notwithstanding any other provisions to the contrary, a newborn child
7 upon birth shall be enrolled as a dependent under a group health plan, policy, or
8 certificate of coverage issued by a health insurance issuer, effective as of the date of
9 such birth, under which such newborn child may be enrolled. If applicable, the
10 premium for a newborn child added to a policy, plan, or certificate of coverage may
11 be subject to adjustment for the additional coverage provided. Such coverage shall
12 be effective as of the date of birth of such newborn child and pursuant to applicable
13 provisions of the policy, plan, or certificate, shall be subject to the payment of such
14 additional premium, if any, and receipt of any required enrollment information within
15 the time period required by the health insurance issuer. To the extent that such
16 newborn child meets, at birth, the eligibility provisions as set forth in state laws,
17 rules, or regulations implementing the State Plan Medical Assistance under Title XIX
18 of the Social Security Act, such additional coverage shall not be cancelled for
19 nonpayment of any additional premium due, if any, prior to the health insurance
20 issuer giving the secretary of the Louisiana Department of Health and Hospitals
21 ninety days written notice thereof via United States mail, certified, return receipt
22 requested. If the premium remains unpaid after the notice period, the health insurance
23 issuer may cancel the newborn child's coverage effective as of the birth of the
24 newborn child. The health insurance issuer shall mail a copy of the notice provided
25 to the secretary of the Department of Health and Hospitals to each health care
26 provider that has submitted a claim for services rendered to the newborn child. The
27 health insurance issuer shall mail the copy of the notice no later than three days after
28 mailing the notice to the secretary of the Department of Health and Hospitals.

29 * * *

§250.11. Individual health insurance coverage portability and limitation on preexisting condition exclusions; newborn coverage; coordination of benefits

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E. Any individual policyholder or individual subscriber shall be authorized to add a newborn child to his individual policy or subscriber agreement at any time prior to birth or at birth as set forth in R.S. 22:250.15(A), effective upon birth. Coverage for a newborn child added to a policy or subscriber agreement pursuant to this Subsection shall be subject to adjustment for the additional coverage provided.

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§250.15. Standards relating to benefits for mothers and newborns

A. The provisions of R.S. 22:250.4(A), (B), and (C) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market. Notwithstanding any other provisions to the contrary, a newborn child upon birth shall be enrolled as a dependent under a group health plan, policy, or certificate of coverage issued by a health insurance issuer, effective as of the date of such birth, under which such newborn child may be enrolled. If applicable, the premium for a newborn child added to a policy, plan, or certificate of coverage may be subject to adjustment for the additional coverage provided. Such coverage shall be effective as of the date of birth of such newborn child and pursuant to applicable provisions of the policy, plan, or certificate, shall be subject to the payment of such additional premium, if any, and receipt of any required enrollment information within the time period required by the health insurance issuer. To the extent that such newborn child meets, at birth, the eligibility provisions as set forth in state laws, rules, or regulations implementing the State Plan Medical Assistance under Title XIX of the Social Security Act, such additional coverage shall not be cancelled for nonpayment of any additional premium due, if any, prior to the health insurance issuer giving the secretary of the Louisiana Department of Health and Hospitals ninety days written

notice thereof via United States mail, certified, return receipt requested. If the premium remains unpaid after the notice period, the health insurance issuer may cancel the newborn child's coverage effective as of the birth of the newborn child. The health insurance issuer shall mail a copy of the notice provided to the secretary of the Department of Health and Hospitals to each health care provider that has submitted a claim for services rendered to the newborn child. The health insurance issuer shall mail the copy of the notice no later than three days after mailing the notice to the secretary of the Department of Health and Hospitals.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____