

House Committee on Insurance

Minutes of Meeting
2020 Regular Session
May 13, 2020

I. CALL TO ORDER

Representative Chad Brown, chairman of the House Committee on Insurance, called the meeting to order at 9:05 a.m. in Room 3, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Chad Brown, chairman
Representative Edmond Jordan, vice chairman
Representative Mary DuBuisson
Representative Kathy Edmonston
Representative Michael "Gabe" Firment
Representative Lawrence "Larry" Frieman
Representative Kyle M. Green, Jr.
Representative Mike Huval
Representative John R. Illg, Jr.
Representative Sherman Q. Mack
Representative Danny McCormick
Representative Matthew Willard

MEMBERS ABSENT:

Representative Cedric B. Glover
Representative Paul Hollis

STAFF MEMBERS PRESENT:

Rashida Keith, attorney
Charlotte Cravins, attorney
Christie L. Russell, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Angela McKnight, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 263 by Representative Huval

Representative Huval presented House Bill No. 263, which provides for insurance coverage of step therapy or fail first protocols.

Representative Huval offered amendments to House Bill No. 263, which would (1) Clarify that a multidisciplinary panel of experts will review and research certain treatments to update clinical review criteria and clinical practice guidelines; (2) Require for a drug deemed not in the best interest of the patient, based on medical necessity, to be evidenced by valid documentation submitted by the prescriber; (3) Require a practitioner or healthcare provider, in the case of an appeal, to consider atypical diagnoses and the needs of atypical patient populations when deciding on appeals; and (4) Make technical changes. Representative Huval offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Brown, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, McCormick, and Willard voted yea.

Representative Huval offered a motion to report House Bill No. 263 with amendments. Without objection, House Bill No. 263 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, McCormick, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 1 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 86 in support. Copies of these statements are included in the committee records.

House Bill No. 859 by Representative Phelps

Representative Brown offered a motion to voluntarily defer action on House Bill No. 859, which requires automobile insurance companies to provide reasons for the cancellation of insurance policies to the Department of Public Safety and Corrections. Without objection, action on House Bill No. 859 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, McCormick, and Willard voted yea.

House Bill No. 407 by Representative LaCombe

Representative LaCombe presented House Bill No. 407, which provides for health insurance

coverage for participants in clinical trials.

Jeff Drozda, Louisiana Association of Health Plans (LAHP), 450 Laurel Street, Suite 1850, Baton Rouge, LA 70801, spoke in opposition to House Bill No. 407.

Representative Brown offered amendments to House Bill No. 407, which would provide for health insurance coverage for participants in clinical trials. Representative Brown offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yea.

Representative Brown offered a motion to report House Bill No. 407 with amendments to which Representative Frieman objected. Representative Frieman offered a substitute motion to voluntarily defer House Bill No. 407. The administrative assistant called the roll and the substitute motion passed by a vote of 7 yeas and 5 nays. Representatives DuBuisson, Firment, Frieman, Huval, Illg, Mack, and McCormick voted yea. Representatives Brown, Jordan, Edmonston, Green, and Willard voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 4 in opposition, and 1 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 2 in support. Copies of these statements are included in the committee records.

House Bill No. 408 by Representative LaCombe

Representative Brown offered a motion to voluntarily defer action on House Bill No. 408, which provides for health insurance coverage of cancer treatments. Without objection, action on House Bill No. 408 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yea.

House Bill No. 131 by Representative Firment

Representative Firment presented House Bill No. 131, which provides relative to covered claims of the Louisiana Insurance Guaranty Association.

Representative McCormick offered a motion to report House Bill No. 131 favorably. Without objection, House Bill No. 131 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Green, Huval, Illg, Mack, McCormick, and Willard voted yea.

John Wells, Louisiana Insurance Guaranty Association (LIGA), 2142 Quail Run Drive, Baton Rouge, LA 70808, spoke for informational purposes on House Bill No. 131.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 2 for information only. Witness cards are included in the committee records.

House Bill No. 735 by Representative Fontenot

Representative Fontenot presented House Bill No. 735, which provides relative to the fire insurance rating system for volunteer firefighters.

Ira Brown, Eighth Ward Volunteer Fire Department (VFP), 42382 Highway 445, Ponchatoula, LA 70454, spoke in support of House Bill No. 735.

Chad Major, Professional Firefighters Association, Merle Gurtaser Drive, Baton Rouge, LA 70809, spoke in opposition to House Bill No. 735.

Representative Frieman offered a motion to report House Bill No. 735 favorably. Without objection, House Bill No. 735 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Mack, McCormick, and Willard voted yea. Representative Brown abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 10 in opposition, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 421 by Representative Brown

Representative Brown presented House Bill No. 421, which provides relative to bail bond enforcement.

Guy Ruggiero, Association of Louisiana Bail Underwriters, P.O. Box 755, Plaquemine, LA 70765, spoke in support of House Bill No. 421.

Representative Frieman offered amendments to House Bill No. 421, which would delete a provision of proposed law that would increase the continuing education requirement from 12 hours to 18 hours. Representative Frieman offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Mack, McCormick, and Willard voted yea.

Representative Brown offered amendments to House Bill No. 421, which made technical changes. Representative Brown offered a motion to adopt the proposed amendments. Without objection, the

amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Mack, McCormick, and Willard voted yea.

Representative Frieman offered amendments to House Bill No. 421, which would: (1) Delete provisions of proposed law that requires a bail enforcement agent who carries a firearm to have in his possession a concealed carry permit; (2) Delete penalties in proposed law that provide that any person who violates proposed law is guilty of a misdemeanor offense punishable by six months in the parish jail or a fine of not more than \$5,000, or both; (3) Add provisions that require any bail enforcement agent who carries a concealed firearm to be subject to the concealed handgun permit requirements found in present law; and (4) Add provisions that require any person or entity that violates the concealed handgun permit requirements be subject to the penalties provided for in present law. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Mack, McCormick, and Willard voted yea.

Representative Brown offered a motion to report House Bill No. 421 with amendments. Without objection, House Bill No. 421 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Mack, McCormick, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support. Witness cards are included in the committee records.

House Bill No. 343 by Representative Jordan

Representative Jordan presented House Bill No. 343, which provides relative to the Bail Bond Apprentice Program.

Guy Ruggiero, Association of Louisiana Bail Underwriters, P.O. Box 755, Plaquemine, LA 70765, spoke in support of House Bill No. 343.

Barry Ward, Department of Insurance, 1702 N. Third Street, Baton Rouge, LA 70802, spoke for information only on House Bill No. 343.

Representative Jordan offered amendments to House Bill No. 343, which add an exception to proposed law that would prohibit persons who are classified as sexual offenders or serial sexual offenders as defined by present law from participating in the Bail Bond Apprentice Program. Representative Jordan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Illg, Mack, McCormick, and Willard voted yea.

Representative Jordan offered a motion to report House Bill No. 343 with amendments to which

there was an objection by Representative Mack. The administrative assistant called the roll and the motion to report with amendments passed by a vote of 9 yeas and 2 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Green, Illg, McCormick, and Willard voted yea. Representatives Frieman and Mack voted nay.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 152 by Representative Brown

Representative Brown presented House Bill No. 152, which provides for insurance coverage for acupuncture.

Valerie Viosca, Acupuncture Association of Louisiana, 4721 Burke Drive, Metairie, LA 70003, spoke in support of House Bill No. 152.

Representative Brown offered amendments to House Bill No. 152, which would: (1) Specify that the health coverage plan referenced in proposed law means the "large group market" as defined in present law, (R.S. 22:1091(B)), and require the coverage of acupuncture when medically necessary and not otherwise excluded from coverage; (2) Provide that coverage for acupuncture treatment may be limited to 12 annual visits per policy or contract; (3) Change the effective date relative to policy, contract, or health coverage plan renewals from Jan. 1, 2021, to Jan. 1, 2022; and (4) Make technical changes. Representative Brown offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Illg, Mack, McCormick, and Willard voted yea.

Representative Mack offered a motion to report House Bill No. 152 with amendments. Without objection, House Bill No. 152 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Green, Illg, Mack, McCormick, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 1 in opposition, and 1 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 52 in support. Copies of these statements are included in the committee records.

House Bill No. 84 by Representative Green

Representative Green presented House Bill No. 84, which provides relative to disclosure of

automobile liability insurance coverage limits to a third party claimant.

Representative Green offered amendments to House Bill No. 84, which would add a provision to specify that the written report shall include a copy of the accident report if available. Representative Green offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yea.

Representative Green offered a motion to report House Bill No. 84 with amendments, to which Representative Huval objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 6 yeas and 6 nays. Representatives Brown, Jordan, Edmonston, Green, Mack, and Willard voted yea. Representatives DuBuisson, Firment, Frieman, Huval, Illg, and McCormick voted nay.

Representative Green offered a motion to voluntarily defer action on House Bill No. 84. Without objection, action on House Bill No. 84 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in opposition. Copies of these statements are included in the committee records.

House Bill No. 296 by Representative Illg

Representative Illg presented House Bill No. 296, which provides for cancellation of a policy by the insured party.

Rodney Braxton, State Farm, 543 Spanish Town Drive, Baton Rouge, LA 70802, spoke in opposition of House Bill No. 296.

Representative Illg offered amendments to House Bill No. 296, which would: (1) Change provisions of proposed law from requiring the cancellation by the insured to be effected by written notice to requiring the cancellation by the insured to be effected only by written notice; and (2) Restore provisions of present law that require surrender of the binder to effectuate cancellation. Representative Illg offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yea.

Representative Edmonston offered a motion to report House Bill No. 296 with amendments. Without objection, House Bill No. 296 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only and 2 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in opposition. Copies of these statements are included in the committee records.

House Bill No. 818 by Representative Zeringue

Representative Zeringue presented House Bill No. 818, which provides relative to high net worth insureds.

Stephanie Laborde, Louisiana Insurance Guaranty Association (LIGA), 6421 Perkins Road, Baton Rouge, LA 70808, spoke for informational purposes on House Bill No. 818.

John Wells, LIGA, 2142 Quail Run Drive, Baton Rouge, LA 70808, spoke in opposition to House Bill No. 818.

Representative Brown offered amendments to House Bill No. 818, which made technical changes. Representative Brown offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yea.

Representative Edmonston offered a motion to report House Bill No. 818 with amendments to which Representative Firment objected. The administrative assistant called the roll and the motion passed by a vote of 10 yeas, 1 nay, and 1 abstention. Representatives Jordan, DuBuisson, Edmonston, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yea. Representative Firment voted nay. Representative Brown abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 6 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 532 by Representative Jordan

Representative Jordan presented House Bill No. 532, which provides relative to Peer-to-Peer Car Sharing.

Representative Jordan offered amendments to House Bill No. 532, which made technical changes. Representative Jordan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yeas.

Representative Jordan offered amendments to House Bill No. 532, which would add a provision that excludes automobile rental contract as defined in present law from the definition of "car sharing program agreement". Representative Jordan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yeas.

Representative Jordan offered amendments to House Bill No. 532, which would add a provision that excludes a service provider who is solely providing hardware or software as service to a person or entity that is not executing payment for use of a shared vehicle from the definition of "peer-to-peer car sharing program". Representative Jordan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yeas.

Representative Jordan offered a motion to report House Bill No. 532 with amendments. Without objection, House Bill No. 532 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yeas.

House Bill No. 492 by Representative McFarland

Representative Brown offered a motion to voluntarily defer action on House Bill No. 492, which would provide relative to the reduction of commercial automobile insurance rates under certain circumstances. Without objection, action on House Bill No. 492 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yeas.

House Bill No. 839 by Representative Robert Owen

Representative Brown offered a motion to voluntarily defer action on House Bill No. 839, which provides relative to a marketplace for consumers seeking healthcare services and procedures. Without objection, action on House Bill No. 839 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Brown, Jordan, DuBuisson, Edmonston, Firment, Frieman, Green, Huval, Illg, Mack, McCormick, and Willard voted yeas.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 1:01 p.m.

Respectfully submitted,

Chairman Chad Brown
House Committee on Insurance

Date adopted: April 22, 2021