

House Committee on Insurance

Minutes of Meeting
2022 Regular Session
May 4, 2022

I. CALL TO ORDER

Representative Mike Huval, chairman of the House Committee on Insurance, called the meeting to order at 9:41 a.m. in Room 2, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Representative Cedric B. Glover

STAFF MEMBERS PRESENT:

Rashida Keith, attorney
Adam Patrick, attorney
Alicia Powell, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Rebecca Marshall, sergeant at arms

III. DISCUSSION OF LEGISLATION

Senate Bill No. 394 by Senator Bernard

Senator Bernard presented Senate Bill No. 394, which requires coverage for drugs under certain conditions and the drug is approved by the United States Food and Drug Administration.

Representative Huval offered a technical amendment. Representative Huval offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Firment, Frieman, Hollis, Illg, and Willard voted yea.

Matthew Giefer, 70 Oakland Avenue, Harahan, LA 70123, (206) 295-1865, spoke in support of Senate Bill No. 394.

Representative Illg offered a motion to report Senate Bill No. 394 with amendments. Without objection, Senate Bill No. 394 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Firment, Frieman, Hollis, Illg, Mack, and Willard voted yea.

House Concurrent Resolution No. 83 by Representative Garofalo

Representative Garofalo presented House Concurrent Resolution No. 83, which creates the Louisiana All-Payer Claims Database Task Force.

Representative Huval offered an amendment to add a designee from the Louisiana Independent Pharmacies Association and a designee from the Louisiana Managed Medicaid Association to the La. All-Payer Claims Database Task Force. Representative Huval offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Firment, Frieman, Hollis, Illg, Mack, and Willard voted yea.

Frank Opelka, Louisiana Department of Insurance (LDI), 1702 N. Third Street, Baton Rouge, LA 70802, (225) 342-5900, spoke for information only on House Concurrent Resolution No. 83.

Representative Illg offered a motion to report House Concurrent Resolution No. 83 with amendments. Without objection, House Concurrent Resolution No. 83 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Edmonston, Firment, Frieman, Hollis, Illg, Jordan, Mack, and Willard voted yea.

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

Senate Bill No. 366 by Senator Harris

On behalf of Senator Harris, Christian Rhodes, Pharmaceutical Research and Manufacturers of America, 504 Lakeland Drive, Baton Rouge, LA 70802, (225) 802-7567, presented Senate Bill No. 366, which prohibits certain health insurance cost-sharing practices.

Representative Huval offered technical amendments. Representative Huval offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Edmonston, Firment, Frieman, Hollis, Illg, Mack, and Willard voted yea.

David Lavergne, Blue Cross Blue Shield of Louisiana, 5525 Reitz Avenue, Baton Rouge, LA 70809, (225) 252-6501, spoke for information only on Senate Bill No. 366.

Further action was taken by the committee on Senate Bill No. 366 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on Senate Bill No. 366.

House Concurrent Resolution No. 89 by Representative Dustin Miller

Representative Dustin Miller presented House Concurrent Resolution No. 89, which requests a study of the costs and benefits of mandating coverage for therapies and treatments for PANS, PANDAS, and both conditions as types of AE by private insurance plans in the state of La.

Girard Melancon, 1558 Ingleside Drive, Baton Rouge, LA 70808, (225) 907-3887, spoke in support of House Concurrent Resolution No. 89.

Sylvia Caillier Melancon, 1558 Ingleside Drive, Baton Rouge, LA 70808, (225) 288-9354, spoke in support of House Concurrent Resolution No. 89.

Representative Mack offered a motion to report House Concurrent Resolution No. 89 favorably. Without objection, House Concurrent Resolution No. 89 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Huval, Boyd, DuBuisson, Edmonston, Firment, Green, Hollis, Illg, Mack, and Willard voted yea.

House Concurrent Resolution No. 84 by Representative Kerner

Representative Kerner presented House Concurrent Resolution No. 84, which memorializes Congress to review and reform the National Flood Insurance Program's pricing methodology known as Risk Rating 2.0.

Michelle Gonzales, Jefferson Parish, 1221 Elmwood Park Boulevard, Jefferson, LA 70123, mgonzales@jeffparish.net, spoke in support of House Concurrent Resolution No. 84.

Maggie Talley, Jefferson Parish, 1221 Elmwood Park Boulevard, Jefferson, LA 70123, mtalley@jeffparish.net, spoke in support of House Concurrent Resolution No. 84.

Representative Illg offered a motion to report House Concurrent Resolution No. 84 favorably. Without objection, House Concurrent Resolution No. 84 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Edmonston, Firment, Frieman, Green, Hollis, Illg, Jordan, Mack, and Willard voted yea.

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

Senate Bill No. 366 by Senator Harris

This is a continuation of the discussion on Senate Bill No. 366 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on Senate Bill No. 366.

Senator Harris presented Senate Bill No. 366, which prohibits certain health insurance cost-sharing practices.

Frank Opelka, LDI, 1702 N. Third Street, Baton Rouge, LA 70802, (225) 342-5900, spoke for information only on Senate Bill No. 366.

Representative Brown offered a motion to report Senate Bill No. 366 with amendments. Without objection, Senate Bill No. 366 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Edmonston, Firment, Frieman, Green, Hollis, Illg, Mack, 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.

Senate Bill No. 230 by Senator Morris

On behalf of Senator Morris, Ashley Coco, Louisiana Association of Independent Land Title Agents, 2051 Silverside Drive, Baton Rouge, LA 70808, (225) 308-9570, presented Senate Bill No. 230, which provides for qualifications of title insurance producers.

Representative Huval offered a technical amendment. Representative Huval offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Edmonston, Firment, Frieman, Green, Hollis, Illg, Mack, and Willard voted yea.

Representative Brown offered a motion to report Senate Bill No. 230 with amendments. Without objection, Senate Bill No. 230 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Huval, Brown, DuBuisson, Edmonston, Firment, Frieman, Hollis, Illg, and Mack voted yea.

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

House Bill No. 881 by Representative Bourriaque

Representative Bourriaque presented House Bill No. 881, which provides for the Louisiana Insurance Guaranty Association.

Representative Huval offered amendments to:

- (1) Remove the criteria for determining satisfactory proof of loss in proposed law.
- (2) Provide that if LIGA fails to make payment on a claim or a written offer to settle within 120 days of receiving satisfactory proof of loss and such failure is found to be arbitrary, capricious, or without probable cause, LIGA shall be subject to a penalty of 20% of the insured loss, payable to the insured.
- (3) Subject LIGA to the claims settlement provisions of present law (R.S. 22:1892(B)(1)).
- (4) Provide that the stay of proceedings provisions of R.S. 22:2068(A) are not applicable to LIGA for the purposes of enforcing the appraisal process provided in an insured's policy or the enforcement provisions of proposed law.
- (5) Make technical changes.

Representative Huval offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Huval, Brown, DuBuisson, Firment, Frieman, Hollis, Mack, and Willard voted yea.

Representative Mandie Landry, District No. 91, 3915 Baronne Street, Unit 1, New Orleans, LA 70115, (504) 895-2526, spoke in support of House Bill No. 881.

Eric Holl, Real Reform Louisiana, 640 Lakeland Drive, Baton Rouge, LA 70802, (703) 399-4841, spoke in support of House Bill No. 881.

Rita Whittaker, 1525 Ruby Lane, Sulphur, LA 70663, (227) 215-2593, spoke in support of House Bill No. 881.

Shelia Tolar, 1515 Poydras Street, Suite 1400, New Orleans, LA 70112, shelia@brasherattorney.com, spoke in support of House Bill No. 881.

Phong Pham, 601 Parkview Drive, Abbeville, LA 70510, (337) 326-2544, spoke in support of House Bill No. 881.

Benjamin Albright, Independent Insurance Agents of Louisiana, 18153 E. Petroleum Drive, Baton Rouge, LA 70809, (225) 236-1357, spoke in opposition to House Bill No. 881.

Tom Clark, Louisiana Insurance Guaranty Association (LIGA), 301 Main Street, Suite 2300, Baton Rouge, LA 70801, (225) 387-4000, spoke in opposition to House Bill No. 881.

Representative Jordan in the chair.

Representative Huval in the chair.

John Wells, LIGA, 2142 Quail Run Drive, Baton Rouge, LA 70808, (225) 757-1688, spoke in opposition to House Bill No. 881.

Stephanie Laborde, LIGA, 2142 Quail Run Drive, Baton Rouge, LA 70808, (225) 230-0484, spoke for information only on House Bill No. 881.

James Donelon, LDI, 1702 N. Third Street, Baton Rouge, LA 70802, (225) 342-7275, spoke in opposition to House Bill No. 881.

Representative Jordan in the chair.

Representative Huval in the chair.

Representative Willard offered a motion to report House Bill No. 881 with amendments, to which Representative Frieman objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 4 yeas and 8 nays. Representatives Boyd, Green, Jordan, and Willard voted yea. Representatives Huval, Brown, DuBuisson, Edmonston, Firment, Frieman, Hollis, and Mack voted nay.

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

House Bill No. 317 by Representative Willard

Representative Willard presented House Bill No. 317, which provides for hurricane, named storm, and wind and hail deductibles.

Representative Huval offered amendments to:

- (1) Specify that the deductible form shall be provided to and signed by insureds for policies with an effective date after January 1, 2023.
- (2) Remove the provision of proposed law that provided that the deductible form shall become a part of the policy.
- (3) Provide that the deductible form shall be valid for the life of the policy.
- (4) Provide certain circumstances in which a new deductible form is required and certain circumstances in which a new deductible form is not required.
- (5) Provide that a new deductible form provided to an insured is for informational purposes only and shall not affect the terms of the policy.
- (6) Provide for certain circumstances in which the insurer is required to provide the deductible form to the insured electronically and provide a method whereby the insured can sign the form electronically.
- (7) Provide that proposed law shall not be interpreted to create a cause of action not otherwise provided by law.

Representative Huval offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Edmonston, Firment, Frieman, Green, Hollis, Illg, Jordan, Mack, and Willard voted yea.

James Ordeneaux, Louisiana Farm Bureau Mutual Insurance Company, 701 Poydras Street, Suite 3800, New Orleans, LA 70139, (504) 586-5272, spoke in opposition to House Bill No. 317.

Representative Firment offered a motion to report House Bill No. 317 with amendments. Without objection, House Bill No. 317 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Huval, Boyd, Brown, DuBuisson, Edmonston, Firment, Frieman, Green, Hollis, Illg, Jordan, Mack, and Willard voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 2 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 951 by Representative Jordan

Representative Jordan presented House Bill No. 951, which requires automobile liability insurance policies include uninsured motorist coverage.

James Donelon, LDI, 1702 N. Third Street, Baton Rouge, LA 70802, (225) 342-7275, spoke in opposition to House Bill No. 951.

Representative Jordan offered a motion to report House Bill No. 951 favorably, to which Representative Firment objected. The administrative assistant called the roll, and House Bill No. 951 was reported favorably by a vote of 9 yeas and 3 nays. Representatives Huval, Boyd, Brown, DuBuisson, Edmonston, Green, Jordan, Mack, and Willard voted yea. Representatives Firment, Frieman, and Hollis voted nay.

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

Senate Bill No. 198 by Senator Talbot

On behalf of Senator Talbot, James Donelon, 1702 N. Third Street, Baton Rouge, LA 70802, (225) 342-7275, presented Senate Bill No. 198, which provides relative to the adjustment of residential claims.

Representative Huval offered amendments to:

- (1) Specify that requirements for insurers who assign a third or subsequent claims adjuster within a six-month period applies to personal residential insurance claims.
- (2) 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 Huval, Boyd, Brown, DuBuisson, Edmonston, Firment, Frieman, Hollis, Mack, and Willard voted yea.

Representative Firment offered amendments to:

- (1) Provide that the documents that insurers are required to provide to insureds in proposed law shall be provided within 30 days.

- (2) Define "primary contact" to include persons contracted to work for the insurer.

Representative Firment offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Huval, Boyd, DuBuisson, Edmonston, Firment, Frieman, Mack, and Willard voted yea.

James Ordeneaux, Louisiana Farm Bureau Mutual Insurance Company, 701 Poydras Street, Suite 3800, New Orleans, LA 70139, (504) 586-5272, spoke in opposition to Senate Bill No. 198.

Tom Clark, Allstate, 301 Main Street, Suite 2300, Baton Rouge, LA 70801, (225) 387-4000, spoke in opposition to Senate Bill No. 198.

Representative Firment offered a motion to reconsider the previously adopted amendment in concept for the purpose of withdrawing the amendment to Senate Bill No. 198. Without objection, the motion to reconsider the previously adopted amendment in concept for the purpose of withdrawing passed by a vote of 10 yeas and 0 nays. Representatives Huval, Boyd, DuBuisson, Edmonston, Firment, Frieman, Hollis, Jordan, Mack, and Willard voted yea.

Representative Firment offered a motion to report Senate Bill No. 198 with amendments. Without objection, Senate Bill No. 198 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Huval, Boyd, DuBuisson, Edmonston, Firment, Frieman, Hollis, Jordan, Mack, and Willard voted yea.

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

House Bill No. 558 by Representative Willard

Representative Huval announced that action on House Bill No. 558, which provides for claims settlement practices, was voluntarily deferred.

House Bill No. 316 by Representative Willard

Representative Willard presented House Bill No. 316, which provides for the transmission of certain documents and recordings from insurers to insureds in times of a gubernatorially declared disaster.

Representative Willard offered a technical amendment. Representative Willard offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Huval, Boyd, DuBuisson, Edmonston, Firment, Frieman, Hollis, Mack, and Willard voted yea.

Eric Holl, Real Reform Louisiana, 640 Lakeland Drive, Baton Rouge, LA 70802, (703) 399-4841, spoke in support of House Bill No. 316.

Benjamin Albright, Independent Insurance Agents of Louisiana, 18153 E. Petroleum Drive, Baton Rouge, LA 70809, (225) 236-1357, spoke in opposition to House Bill No. 316.

Tom Clark, Allstate, 301 Main Street, Suite 2300, Baton Rouge, LA 70801, (225) 387-4000, spoke in opposition to House Bill No. 316.

James Ordeneaux, Louisiana Farm Bureau Mutual Insurance Company, 701 Poydras Street, Suite 3800, New Orleans, LA 70139, (504) 586-5272, spoke in opposition to House Bill No. 316.

Representative Willard offered a motion to report House Bill No. 316 with amendments, to which Representative Frieman objected. The administrative assistant called the roll, and House Bill No. 316 was reported with amendments by a vote of 7 yeas and 4 nays. Representatives Boyd, DuBuisson, Edmonston, Green, Jordan, Mack, and Willard voted yea. Representatives Huval, Firment, Frieman, and Hollis voted nay.

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

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 1:44 p.m.

Respectfully submitted,

Chairman Mike Huval
House Committee on Insurance

Date adopted: