



LOUISIANA INSURERS' CONFERENCE
ANNUAL LOUISIANA INSURANCE COMPLIANCE SEMINAR &
LEGISLATIVE REVIEW

August 3-5, 2016 | Hotel Monteleone New Orleans

LIC is Charting the Course

Health and Rate Form Filing

Health Insurance Policy Form Filing Requirements

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August 4, 2016



General Filing Requirements

La. R.S. 22: 972 (A)

- No health insurance form may be issued, delivered, or used in Louisiana unless it has been filed with and approved by the Department
- Filings must be submitted at least 60 days prior to use



General Filing Requirements

All filings of an insurance product must include, in final wording, the following items:

- Filing Fee
- Statement of Compliance
- Policy Forms
- Application/Enrollment Forms
- Amendment, Rider or Endorsement Forms
- Sample ID Cards
- Initial Premium Rates and Classification of Risks



Association filings

Filings of group health and accident products intended for issuance to an association are limited to “bona fide” associations.

In accordance with La. R.S. 22: 1061 (5) (b) “Bona Fide association” means, with respect to health insurance coverage offered in this state, an association which:

- Has been actively in existence for at least five years
- Has been formed and maintained in good faith for purposes other than obtaining insurance
- Does not condition membership in the association on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee
- Makes health insurance coverage offered through the association available to all members regardless of health status-related factor relating to such members, or individuals eligible for coverage through a member
- Does not make health insurance offered through the association available other than in connection with a member of the association



Association filings

Additional filing requirements:

- Association's Constitution
- Association's Articles of Incorporation
- Association's Bylaws
- Association's Membership Application, Membership Agreement and Brochure of Membership Benefits



Trust filings

Filings of group health and accident products intended for issuance to a trust are limited to trusts established by one or more employers, trusts established by one or more labor unions, a trust established by an association, a multiple association trust established by an insurer on behalf of participating associations, or a multiple employer trust established by an insurer on behalf of participating employers, provided all participating employers, employees or members have the same statutory protections that would apply if policy was purchased directly from the insurer.



Trust filings

Additional filing requirements:


- Trust agreement
- Articles of incorporation or other instrument creating the trust
- Member adoption agreement
- If the trust was established by an association or a multiple associations, the filing must include association documents as described on the previous slide



Benchmark Plans

Benchmark Plan –a Basic Insurance Policy Form establishing the essential health benefits required of every plan sold in Louisiana under the Patient Protection and Affordable Care Act (Pub. L. 111-148), as amended by the Health Care and Education and Reconciliation Act of 2010 (Pub. L. 111-152), together referred to as the Affordable Care Act.

When a new Benchmark Plan is selected for implementation in Louisiana pursuant to applicable federal regulations, a complete product filing is required of each health insurance issuer that offers health insurance plans that are required to provide the essential health benefits categories.



Variability

Any insurer choosing to include variable material or information in any policy form must attempt to set forth the range of variable material or information in the policy form itself. Each section of a policy form that is variable must be identified as variable and shall be enclosed in square brackets. Whether the variable material or information be varying language, text, data, and/or ranges of values, the variable portion of the form filing must contain or describe in detail all the variations of material or information that could be placed in an insurance plan or policy form. For example, the listing of [\$100] is not allowed to be placed in the schedule of benefits for approval and then replaced by any dollar amount in a policy/plan marketed to a consumer. The full extent of potential values must be shown within the brackets or within a Statement of Variability.



Statement of Variability

If it is necessary to provide an explanation of or additional information regarding the range of variability contained in the form, then a separate Statement of Variability that complies with the following regarding form, content and submission must be submitted. The Statement of Variability must provide an explanation of all permissible variations of material or information that could be used in an insurance plan or policy form offered to policyholders or enrollees that is derived from the product filing. Further, the potential values must be within the confines and restrictions established by law.



Exceptions to a Complete Filing

Exceptions to the requirements for a complete filing may be allowed at the discretion of the Department for the following policy forms:

- Application Forms or Enrollment Forms-Policy form filings and dates approved must be identified for each previously approved product with which the forms will be used
- Identification Cards
- Medicare Supplement Advertising



Exceptions to a Complete Filing

Filings of amendatory riders, endorsements, or optional endorsements or riders are permitted where the insurance product to be altered was originally certified or granted affirmative approval in SERFF.

Such filings must include:

- Specimen copies of the pertinent previously approved or certified forms with the specific terms and provisions being amended, underlined in red or similarly emphasized; (Redline documents must consist of a complete form that clearly identifies all amended portions)
- State tracking number assigned by the department and/or the SERFF tracking number for each of the previously approved or certified forms;
- Date of approval of each previously approved or certified forms;
- Form number for each previously approved policy form to which the amendatory filing applies;



Exceptions to a Complete Filing

- A Statement of Variability if the previously approved or certified forms contains variable material or information.
- An affidavit, on a form prescribed by the department, affirming that the insurance product, if amended by rider or endorsement as requested, will be fully compliant with all pertinent statutes and regulations.
- Statutory filing fees in accordance with the most current fee schedule applicable to such filings, as set forth by the Louisiana Legislature.



Exceptions to a Complete Filing

Filings of Amendatory Riders or Endorsements are also permitted if the filing is to bring a product into compliance with the law that has been granted approval and is currently in force, but no longer being marketed

Such filings must include:

- SERFF or LDI tracking number and dates approved must be identified for each previously approved product with which the forms will be used
- Redline documents must consist of a complete form that clearly identifies all amended portions
- The filing description shall advise that the previously approved or certified form is no longer being marketed

Questions on Filing Requirements?

