

POTPOURRI

Coastal Protection and Restoration Authority

Public Hearings—Fiscal Year 2026 Draft Annual Plan

The Coastal Protection and Restoration Authority (CPRA) will hold the following public hearings to receive public comments on Louisiana’s “Fiscal Year 2026 Draft Annual Plan”.

Tuesday, Jan. 28, 2025	5:30 p.m. – 7:00 p.m.	Southwest Louisiana Entrepreneurial and Economic Development Center Second Floor Meeting Rooms D & E 4310 Ryan St. Lake Charles, LA 70602
Thursday, Jan. 30, 2025	5:30 p.m. – 7:00 p.m.	Terrebonne Civic Center 346 Civic Center Blvd. Houma, LA 70360
Tuesday, Feb. 11, 2025	5:30 p.m. – 7:00 p.m.	Joseph S. Yenni Building Second Floor Council Chambers 1221 Elmwood Park Blvd Jefferson, LA 70123

CPRA will receive written comments and recommendations on the Fiscal Year 2026 Draft Annual Plan until March 22, 2025. Written comments should be mailed (to arrive no later than March 22, 2025) to the following address:

Coastal Protection and Restoration Authority
Public Comments
150 Terrace Avenue
Baton Rouge, LA 70802

If, because of a disability, you require special assistance to participate, please contact the CPRA Administrative Assistant at 150 Terrace Avenue, Baton Rouge, LA 70802 or by telephone at (225) 342-7308 at least five working days prior to the hearing.

Interpretation and translation services can also be provided upon request by contacting coastal@la.gov.

Please visit coastal.la.gov/calendar/ for more detailed information and copies of the Fiscal Year 2026 Draft Annual Plan, which will be posted prior to the public hearings.

For questions regarding the hearings, please contact Ryan Shaw at Ryan.Shaw@la.gov or (225) 342-1357.

Janice Lansing
Chief Financial Officer

2412#031

POTPOURRI

Coastal Protection and Restoration Authority

Public Hearings—Fiscal Year 2026 Draft Atchafalaya Basin Program Annual Plan

The Coastal Protection and Restoration Authority (CPRA) will hold the following public hearings to receive public comments on Louisiana’s “Fiscal Year 2026 Draft Atchafalaya Basin Program Annual Plan.”

Tuesday, Jan. 7, 2025	5:30 p.m. – 7:00 p.m.	Cecilia Civic Center 2464 Cecilia Sr. H South Hwy Breaux Bridge, LA 70517
Thursday, Jan. 16, 2025	5:30 p.m. – 7:00 p.m.	Iberville Parish Courthouse 2nd Floor Council Chambers 58050 Meriam St Plaquemine, LA 70764

CPRA will receive written comments and recommendations on the Fiscal Year 2026 Draft Atchafalaya Basin Program Annual Plan until March 22, 2025. Written comments should be mailed (to arrive no later than March 22, 2025) to the following address:

Coastal Protection and Restoration Authority
ABP Public Comments
150 Terrace Avenue
Baton Rouge, LA 70802

If, because of a disability, you require special assistance to participate, please contact the CPRA Administrative Assistant at 150 Terrace Avenue, Baton Rouge, LA 70802 or by telephone at (225) 342-7308 at least five working days prior to the hearing.

Interpretation and translation services can also be provided upon request by contacting coastal@la.gov.

Please visit coastal.la.gov/calendar/ for more detailed information and copies of the Fiscal Year 2026 Draft Atchafalaya Basin Program Annual Plan, which will be posted prior to the public hearings.

For questions regarding the hearings, please email atchafalayabasin@la.gov or call (225) 342-7308.

Janice Lansing
Chief Financial Officer

2412#031

POTPOURRI

**Office of the Governor
Office of Financial Institutions**

Judicial Interest Rate for 2025

Pursuant to authority granted by R.S. 13:4202(B)(1), as amended, the Louisiana Commissioner of Financial Institutions has determined that the judicial rate of interest for calendar year 2025 will be eight and one quarter (8.25 percent) per annum.

P. Scott Jolly
Commissioner

2412#006

POTPOURRI

**Department of Insurance
Office of the Commissioner**

Public Hearing—Substantive Changes to Proposed Rule Regulation 90—Payment of Pharmacy and Pharmacist Claims (LAC 37:XIII.Chapter 115)

The Department of Insurance published a Notice of Intent to amend Regulation 90 to add regulatory language to incorporate and clarify audit and claim review requirements and to require the filing of policies and procedures to bring Pharmacy Benefit Management processes into compliance, in the September 20, 2024, Volume 50, No. 9 edition of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend Section 11505 to define “pharmacy” according to the revised statute, to amend Section 11507 to clarify procedures for submitting non-electronic claims, to amend Section 11509 to clarify

procedures for submitting electronic claims, to amend Section 11511 to outline the process for conducting pharmacy audits of records, to renumber Section 11513 to provide details on claim review procedures, to renumber Section 11515 to provide details on quality assurance review procedures, to renumber Sections 11517, 11519, and 11521 to align with the correct numerical sequence, and to add Section 11523 to include a confidentiality clause. Since this is a substantive change, the Department of Insurance is giving the public an opportunity for a hearing as published in this Potpourri. No fiscal or economic impact will result from the amendments proposed in this notice.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 115. Regulation Number 90—Payment of Pharmacy and Pharmacist Claims

§11501. Purpose

A. The purpose of Regulation 90 is to implement R.S. 22:1851-1862 relative to the making of the prompt and correct payment for prescription drugs, other products and supplies, and pharmacist services covered under insurance or other contracts that provide for pharmacy benefits, and for the review and auditing of claims or records pertaining to such services.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1662 (August 2007), amended LR 51:

§11503. Scope and Applicability

A. Except as otherwise specifically provided, the requirements of Regulation 90 apply to all health insurance issuers including health maintenance organizations that offer coverage in their insurance contracts for pharmacy services in accordance with the statutory requirements Subpart C of Part II of Chapter 6 of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:1851 et seq. Additionally, Regulation 90 applies to all contracts between a pharmacist and/or, pharmacy and/or a health insurance issuer, its agent, or any other party responsible for reimbursement for prescription drugs, other products and supplies, and pharmacist services. Any and all contracts entered into after July 1, 2005 shall be required to be in compliance with R.S. 22:1851 et seq. Additionally, Regulation 90 shall apply to all contracts in existence prior to July 1, 2005. Regulation 90 shall include but not be limited to those contracts that contain any automatic renewal provisions, renewal provisions that renew if not otherwise notified by a party, any provision that allows a party the opportunity to opt out of the contract, evergreen contracts, or rollover contracts and therefore these contracts shall be required to come into compliance. Regulation 90 shall apply to all contracts as enumerated above as of the first renewal date, first opt out date, first rollover date or first annual anniversary on or after July 1, 2005.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1663 (August 2007), amended LR 51:

§11505. Definitions

Pharmacy—appropriately licensed place within this state where prescription drugs are dispensed and pharmacist services are provided and any place outside of this state where prescription drugs are dispensed and pharmacist services are provided to residents of this state.

Prohibited Billing Activities—those activities outlined in R.S. 22:1871 et seq.

Uniform Claim Forms—are forms prescribed by the department and shall include the National Uniform Bill-04 (UB-04) or its successor for appropriate hospital services, and the current Health Care Financing Administration Form 1500 or its successor for physical and other appropriate professional services. If, after consultation with insurers, providers, and consumer groups, the commissioner determines that the state assignable portions of either form should be revised, he shall make a revision request to the State Uniform Bill Implementation Committee and if approved, prescribe the use of the revised form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1663 (August 2007), amended LR 51:

§11507. Claim Handling Procedures for Non-Electronic Claims

A. Pursuant to R.S. 22:1853.B, health insurance issuers or health maintenance organizations are required to submit to the Department, for approval, a "Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of non-electronic claims and procedures in place to ensure compliance with R.S. 22:1851 et seq. and R.S. 22:1871 et seq. The Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims shall include, but not be limited to, the following:

1. a process for documenting the date of actual receipt of non-electronic claims;
2. a process for reviewing non-electronic claims for accuracy and acceptability;
3. a set of policies and procedures governing the performance of pharmacy record audits, whether by the health insurance issuer or its agent. Such material shall:
 - a. specify the selection criteria or algorithm used to select pharmacies for auditing;
 - b. specify the potential purpose and scope of the audit function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;
 - c. expressly demonstrate compliance with all substantive elements of R.S. 22:1856.1 and this Regulation;
4. a set of policies and procedures governing the performance of claim reviews and quality assurance reviews, whether by the health insurance issuer or its agent. Such material shall:

a. specify any distinctions between claim reviews and quality assurance reviews under the policies and procedures to be used by the company. Any alternative term for a review of a claim shall be added to the policies and procedures filed with the department as a term for either a claim review or a quality assurance review prior to use in communication with any pharmacy, except for annual audits and fraud or willful misrepresentation-related audits, reviews, or investigation;

b. specify the selection criteria or algorithm used in determining when a claim review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

c. specify the selection criteria or algorithm used in determining when a quality assurance review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

d. specify the potential purpose and scope of its claim review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

e. specify the potential purpose and scope of its quality assurance review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy; and

5. a set of policies and procedures governing the performance of fraud or willful misrepresentation audits, whether by the health insurance issuer or its agent. Such material shall:

a. describe any triggers or criteria which may give rise to a fraud or willful misrepresentation audit; such triggers or criteria shall be clearly defined and easily distinguishable from the selection criteria or algorithms used by the company for pharmacy record audits, claim reviews, and quality assurance reviews;

b. describe the purpose, scope, and the set of invoking criteria to prevent the use of fraud or willful misrepresentation audits in place of pharmacy record audits, claim reviews, and quality assurance reviews.

B. The filing of the Prompt Payment Procedures Plan for Non-Electronic Pharmacy Claims document shall indicate compliance by a health insurance issuer or health maintenance organization with the filing requirements of

R.S. 22:1853. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to be not in compliance with the substantive requirements of R.S. 22:1853 or 1856.1.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11509. Claim Handling Procedures for Electronic Claims

A. Pursuant to R.S. 22:1851, health insurance issuers and health maintenance organizations are required to submit to the department, for approval, a "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" detailing statutory compliance for the receipt, acceptance, processing, payment of electronic claims and procedures in place to ensure compliance with R.S. 22:1851 et seq. The "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" shall include, but not be limited to, the following:

1. a process for electronically dating the time and date of actual receipt of electronic claims;

2. a process for reporting all claims rejected during electronic transmission and the reason for the rejection.

3. a set of policies and procedures governing the performance of pharmacy record audits, whether by the health insurance issuer or its agent. Such material shall:

a. specify the selection criteria or algorithm used to select pharmacies for auditing;

b. specify the potential purpose and scope of the audit function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy;

c. expressly demonstrate compliance with all substantive elements of R.S. 22:1856.1 and this Regulation;

4. a set of policies and procedures governing the performance of claim reviews and quality assurance reviews, whether by the health insurance issuer or its agent. Such material shall:

a. specify any distinctions between claim reviews and quality assurance reviews under the policies and procedures to be used by the company. Any alternative term for a review of a claim shall be added to the policies and procedures filed with the department as a term for either a claim review or a quality assurance review prior to use in communication with any pharmacy, except for annual audits and fraud or willful misrepresentation-related audits, reviews, or investigation;

b. specify the selection criteria or algorithm used in determining when a claim review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

c. specify the selection criteria or algorithm used in determining when a quality assurance review is to be performed. This shall include safeguards to ensure the scope of the review is not unduly burdensome or overly broad. Such safeguards shall include limits on the number of reviews a pharmacy may be subject to in any 30-calendar-day period and limits on the type and quantity of material produced by the pharmacy in complying with the review;

d. specify the potential purpose and scope of its claim review function, including all potential recoupment, remedial, and punitive rights;

e. specify the potential purpose and scope of its quality assurance review function, including all potential recoupment, remedial, and punitive rights reserved to the health insurance issuer or its agent by contract or other agreement with the pharmacy; and

5. a set of policies and procedures governing the performance of fraud or willful misrepresentation audits, whether by the health insurance issuer or its agent. Such material shall:

a. describe any triggers or criteria which may give rise to a fraud or willful misrepresentation audit; such triggers or criteria shall be clearly defined and easily distinguishable from the selection criteria or algorithms used by the company for pharmacy record audits, claim reviews, and quality assurance reviews;

b. describe the purpose, scope, and the set of invoking criteria to prevent the use of fraud or willful misrepresentation audits

B. ...

C. The filing of the "Prompt Payment Procedures Plan for Electronic Pharmacy Claims" document shall indicate compliance by a health insurance issuer and health maintenance organization with the filing requirements of R.S. 22:1854. However, such documentation shall still be subject to review and disapproval at any time such documentation is deemed to not be in compliance with the substantive requirements of R.S. 22:1854 or 1856.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11511. Pharmacy Audits of Records

A. Pharmacy record audits of records shall, with the exception of fraud or willful misrepresentation audits, be the sole mechanism a health insurance issuer or its agent may require a pharmacy to participate in for the purpose of systematic review of the pharmacy's compliance with contract terms and conditions, filing guidelines, and the provider manual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11513. Claim Reviews

A. Claim reviews shall be limited to a determination of whether a claim is payable or has been paid correctly. Inappropriate aggregation of claim reviews, excessive application of claim reviews upon a single pharmacy, and similar activities serve to convert a claim review into a pharmacy record audit and therefore subject to the requirements of and limitations on such audits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§11515. Quality Assurance Reviews

A. Quality assurance reviews shall be limited to reviews of pharmacy compliance with contractual and claim filing requirements and shall only be performed prior to reimbursement. The purpose of a quality assurance review must be to test and maintain compliance with contract terms

or agreed-upon claim filing requirements, and the health insurance issuer shall design and implement such reviews to be remedial in nature, rather than to deny, recover, or otherwise non-pay claims based on correctable or harmless errors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§11517. State of Emergency

A. Pursuant to any Executive Order issued by the governor transferring authority to the department on matters pertaining to insurance, and pursuant to the plenary authority vested in the commissioner under Title 22, the department shall be authorized to issue emergency regulations during a state of emergency that suspends and/or interrupts any of the provisions found in Title 22 or take any or all such action that the commissioner deems necessary in reference to provisions in Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11519. Severability Clause

A. If any Section or provision of Regulation 90 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions that can be given effect without the invalid sections or provisions or application, and for these purposes, the Sections or provisions of this regulation and the application to any person or circumstance shall be severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11521. Effective Date

A. Regulation 90 shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 33:1664 (August 2007), amended LR 51:

§11523. Confidentiality

A. The Louisiana Department of Insurance shall maintain any and all confidential documents considered trade secrets or fall under the Louisiana public records law under R.S. 44:1 et al.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and 22:250.61

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

Public Hearing

A public hearing on the proposed substantive changes will be held by the Louisiana Department of Insurance on January 21, 2025 at 10 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA. Interested persons who wish to make comments may do so at the public hearing or by writing to Evelyn Danielle Linkford, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214,

by faxing comments to (225) 342-7821, or electronically at regulations@ldi.la.gov. Comments will be accepted through the close of business, 4:30 p.m., January 21, 2025.

Timothy J. Temple
Commissioner

2412#023

POTPOURRI

Department of Insurance Office of the Commissioner

Public Hearing—Substantive Changes to Proposed Rule Regulation 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years (LAC 37:XIII.Chapter 202)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., published a Notice of Intent to promulgate its Rule, Regulation 131, in the September 20, 2024, LAC 37, Chapter 202 of the *Louisiana Register*. The Department of Insurance proposes the following changes: to amend Section 20207 by amending the definition of *Homeowners Insurance* by deleting the reference to manufactured homes or mobile homes, by deleting the word means in the definition of *Insured*, and by adding a definition of *Not In The Public Interest*. Section 20209 A.2. was amended to require the submission of data and not the submission of a geographic map. Finally, Section 20209 B. was amended to add a reference to the Uniform Trade Secret Act. Since these are substantive changes, the Department of Insurance is giving the public an opportunity for a hearing as published in this Potpourri.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 202. Regulation Number 131—Plan for Nonrenewal or Cancellation of Homeowners Policies in Effect and Renewed for More Than Three Years

§20207. Definitions

A. As used in Regulation 131, these terms shall have the following meaning ascribed herein unless the context clearly indicates otherwise.

Commissioner—the Louisiana Commissioner of Insurance.

Department—the Louisiana Department of Insurance.

Homeowners Insurance—a policy of insurance on a one- or two-family owner-occupied premises, which combines fire and allied lines with any one or more perils of casualty, liability, or other types of insurance within one policy form at a single premium, where the insurer's liability for damage to the premises under said policy is determined with reference to the replacement value of the premises.

Homeowners Policies—shall mean for purposes of this regulation, policies of homeowners insurance that have been in effect for more than three years on or before August 1, 2024.

Insured—customers owning homeowners policies as provided for in R.S. 22:1265.

Insurer—any insurer that provides property, casualty, and liability insurance in the state of Louisiana.

Nonrenewal or Cancellation Date—the termination date of an insured's policy of homeowners insurance.

Not In The Public Interest—means the imposition of a plan to cancel or nonrenew up to 5 percent of homeowners policies that has an outsized impact on a specific coastal geographic area, zip code, or parish.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

§20209. Plan for Nonrenewal or Cancellation

A. - A.1. ...

2. data submitted through a LDI portal or link to such data by parish representing each proposed parish and zip code affected by the nonrenewal or cancellation, along with the deductible amount. The data shall pinpoint all proposed homeowners policies to be nonrenewed or cancelled and demonstrate compliance with the requirement that no more than 5 percent of the insurer's homeowners policies in force in any one parish that is subject to the "3 year rule" and a listing of those homeowners policies that may be nonrenewed or cancelled;

A.3 - A.10. ...

B. Any business plan, documentation or information filed pursuant to Regulation 131 shall be considered proprietary or trade secret pursuant to the provisions of R.S. 44:3.2 and the Uniform Trade Secrets Act pursuant to Chapter 13-A of Title 51 of the Louisiana Revised Statutes of 1950 shall be applicable to any business plan, documentation or information.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, R.S. 22:11, 22:1265, Act 2024, No. 9 of the Regular Session of the Louisiana Legislature, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 51:

Public Hearing

A public hearing on the proposed substantive changes will be held by the Louisiana Department of Insurance on January 21, 2025 at 10 a.m. in the Poydras Hearing Room, Poydras Building, 1702 North Third Street, Baton Rouge, LA. Interested persons who wish to make comments may do so at the public hearing or by writing to Claire Lemoine, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. Comments will be accepted no later than January 21, 2025 by close of business, 4:30 p.m. Interested persons who wish to make comments may do so by writing to Claire Lemoine, Attorney Supervisor, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632, or electronically at regulations@ldi.la.gov.

Timothy J. Temple
Commissioner

2412#005