



LOUISIANA DEPARTMENT OF INSURANCE  
JAMES J. DONELON  
COMMISSIONER

**Electronic Blast to all Health Maintenance Organizations**

**TO: All Health Maintenance Organizations**  
**FROM: James J. Donelon, Commissioner of Insurance**  
**RE: Compliance with LDOI Directive No. 203**  
**DATE: August 25, 2008**

It has been brought to my attention that some health maintenance organizations are requesting clarification as to whether Directive 203 applies to health maintenance organizations, as defined in the Louisiana Insurance Code at LSA-R.S. 22:2001, et seq. Both the title and the body of Directive 203 are clearly directed to: "ALL HEALTH INSURANCE ISSUERS, **HEALTH MAINTENANCE ORGANIZATIONS**, LIMITED BENEFIT HEALTH PLANS AND SELF-INSURERS". As such, be advised that **ALL** health maintenance organizations shall comply with LDOI Directive 203. The legal basis for mandating that **ALL** health maintenance organizations shall comply with Directive 203 is set forth in LSA-R.S. 22:2004.3.

Please be advised that LSA-R.S. 22:2004.3 mirrors the language found in LSA-R.S. 22:668. Specifically, LSA-R.S. 22:668 states, in pertinent part, the following:

- A.(1) Notwithstanding any provision of any policy or contract of insurance or health benefits issued after the effective date of this Section, whenever such policy or contract provides for payment or reimbursement for any service, and such service may be legally performed by a chiropractor licensed in this state, such payment or reimbursement under such policy or contract shall not be denied when such service is rendered by a person so licensed. Terminology in such policy or contract deemed discriminatory against any such person or method of practice shall be void.

Additionally, LSA-R.S. 22:2004.3 states, in pertinent part, the following:

Notwithstanding any provision of any policy or contract of insurance or health benefits issued by a health maintenance organization after the effective date of this Section, whenever such policy or contract provides for payment or reimbursement for any service, and such service may be legally performed by a chiropractor licensed in this state, such payment or reimbursement under such policy or contract shall not be denied when such service is rendered by a person so licensed. Terminology in such policy or contract deemed discriminatory against any such person or method of practice shall be void.

Directive 203 provides that any practice by a health insurance issuer or health maintenance organization that could be construed to deny an enrollee or insured the right of access to covered health care services rendered by a licensed chiropractor would constitute a violation of LSA-R.S. 22:668 and/or LSA-R.S. 22:2004.3. Accordingly, health insurance issuers and health maintenance organizations, limited benefit health plans and self-insurers are directed to bring their practices into immediate compliance with the provisions of the Louisiana Insurance Code and the unequivocal purpose and intent of Directive 203. Please be governed accordingly.

Baton Rouge, Louisiana this 25th day of August, 2008.

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JAMES J. DONELON  
Commissioner of Insurance