



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

BULLETIN NO. 2017-01

TO: ALL HEALTH INSURANCE ISSUERS AND HEALTH MAINTENANCE ORGANIZATIONS

FROM: JAMES J. DONELON, COMMISSIONER OF INSURANCE

RE: RESCISSION OF BULLETIN NO. 2013-02


DATE: FEBRUARY 14, 2017

All health insurance issuers and health maintenance organizations are hereby given notice that Bulletin 2013-02, issued on April 16, 2013, is rescinded.

The aforementioned and rescinded bulletin related to the definition of "small employer" pursuant to La. R.S. 22:1061(5)(e)(iii) and Section 1304 of the Patient Protection and Affordable Care Act ("PPACA") (42 U.S.C. § 18024). Section 1304 of PPACA defined "small employer" as an employer that employed one to 100 employees. States had the option of narrowing the definition to employers that employed one to 50 employees. At that time, La. R.S. 22:1061 defined "small employer" as one having two to 50 employees. Bulletin 2013-02 was issued to exercise the state option pursuant to PPACA and address the conflict between PPACA and La. R.S. 22:1061.

In October 2015, the Protecting Affordable Coverage for Employees (PACE) Act amended the definition of "small employer" in 42 U.S.C. § 18024, defining it as an employer with one to 50 employees and replacing the state option. In the 2016 Regular Session, the Louisiana Legislature adopted Act 32, which amended La. R.S. 22:1061 and 1091 to define small employers as employers with one to 50 employees. The conflict between PPACA and the state law has been resolved, and the bulletin is no longer necessary.

Baton Rouge, Louisiana, this 14th day of February 2017.



JAMES J. DONELON
COMMISSIONER OF INSURANCE