



## LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON  
COMMISSIONER

### **DIRECTIVE 192 (REVISED AND REISSUED)**

**TO: ALL HEALTH INSURANCE ISSUERS AND HEALTH MAINTENANCE ORGANIZATIONS**

**FROM: JAMES J. DONELON, COMMISSIONER OF INSURANCE**

**RE: APPLICATION OF REGULATION 86**

**DATE: SEPTEMBER 21, 2020**

Directive 192, originally issued on December 22, 2005, is being revised and reissued to reflect the changes to the law since the bulletin was originally issued. Acts 2008, No.415, § 1, effective January 1, 2009, redesignated the provisions of Title 22, formerly comprising R.S. 22:1 to 22:3311, into a new format and numbering scheme comprising R.S. 22:1 to 22:2371, without changing the substance of the provisions. The substance of Directive 192 remains relatively unchanged and follows below.

Directive 192 was issued pursuant to requests from health insurance issuers and health maintenance organizations (collectively referred to as "issuers"), employers, and the Secretary of the Louisiana Department of Health (LDH) that the Louisiana Commissioner of Insurance (Commissioner) provide guidance and interpretation as to how those entities should conduct their affairs with regard to the enrollment notification procedures mandated by the underlying statutory law and Regulation 86. All issuers, employers, and any other interested persons are directed to conduct themselves in accordance with La. R.S. 22:1062, 1065, 1072 and 1075, and to comply with the guidance and interpretation provided herein by Directive 192.

Accordingly, issuers are directed as follows:

1. Issuers shall designate a point of contact (either a specific person or a specific position) and shall include the telephone number and physical address of the point of contact. The designated point of contact shall be the authorized representative of the issuer on all matters relative to the newborn child. All issuers shall notify the Louisiana Department of Insurance (LDI), in writing, of the designated point of contact. This written notice shall be sent to the Deputy Commissioner, Office of Health, Life and Annuity, c/o Louisiana Department of Insurance, P.O. Box 94214 (70804-9214), 1702 N. Third Street (70802), Baton Rouge, LA. Issuers must provide the LDI with ten (10) day advance written notice of any change in the point of contact.

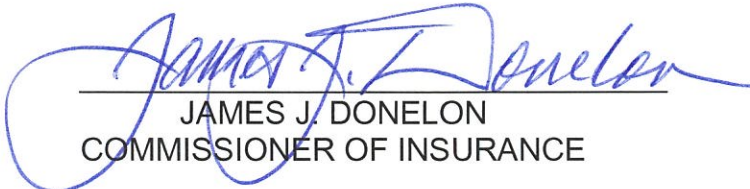
2. If an issuer fails to provide the LDI with the written notice of the designated point of contact (and all other required contact information), the Commissioner hereby establishes that the Chief Executive Officer of the issuer shall be the designated point of contact for the issuer. Additionally, any contrary action by the issuer may be subject to sanctions as set forth in La. R.S. 22:18.
3. Issuers shall provide the LDH with at least thirty (30) day advance written notice of any subsequent premium adjustment that will affect health insurance coverage of a potentially eligible newborn child.
4. Issuers shall incorporate in the written notice sent to the employer and employee the following statement:

Pursuant to the La. R.S. 22:1065, 1075, and LAC Title 37 §11109.D, a health insurance issuer is required to provide a ninety (90) day written notice to the Secretary of the Louisiana Department of Health prior to the cancellation of health coverage for a newborn child who is potentially eligible under Title XIX of the Social Security Act. For group plans a potentially eligible newborn child is not limited to the thirty (30) day special enrollment notification prior to birth under La. R.S. 22:1062. For individual plans a potentially eligible newborn child is not limited to the enrollment notification prior to birth under La. R.S. 22:1075. The law requires that a newborn child who is potentially eligible under Title XIX of the Social Security Act shall have a ninety (90) day special enrollment period.

Please be governed accordingly.

If there are any questions regarding this Directive, please contact the Deputy Commissioner for the Office of Health, Life, and Annuity, electronically at [public@ldi.la.gov](mailto:public@ldi.la.gov).

Baton Rouge, Louisiana, this 21<sup>st</sup> day of September, 2020.



JAMES J. DONELON  
COMMISSIONER OF INSURANCE