

wholesale acquisition cost of at least 25 percent in the prior 365 days may occur at any time provided that 30-day notice of the modification of coverage is given. The 30-day notice of the modification of coverage shall include information on the health insurance issuer's process for an enrollee's physician to request an exception from the health insurance issuer's modification of drug coverage for purposes of continuity of care of the patient.

AUTHORITY NOTE: Promulgated in accordance with R.S.22:11, R.S. 1068(D) and R.S. 22:1074(D).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 38:1028 (April 2012), amended LR 48:2298 (September 2022).

James J. Donelon
Commissioner

2209#002

RULE

Department of Insurance Office of the Commissioner

Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions (LAC 37:XIII.16101)

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., has amended Regulation 112.

The purpose of the amendment to Regulation 112 is to identify and to incorporate by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 161. Regulation Number 112—Adoption of NAIC Handbooks, Guidelines, Forms and Instructions

§16101. NAIC Handbooks, Guidelines, Forms and Instructions Incorporated by Reference

A. ...

B. The following NAIC handbooks, guidelines, forms, and instructions are hereby adopted and incorporated by reference:

1. The Financial Condition Examiner's Handbook, 2021 edition.

2. The Annual and Quarterly Statement Instructions, Property and Casualty, 2021 edition.

3. The Annual and Quarterly Statement Instructions, Life, Accident, and Health, 2021 edition.

4. The Annual and Quarterly Statement Instructions, Health, 2021 edition.

5. The Annual and Quarterly Statement Instructions, Title, 2021 edition.

6. The Annual and Quarterly Statement Instructions, Fraternal, 2021 edition.

7. The Annual and Quarterly Statement Blanks, Property and Casualty, 2021 edition.

8. The Annual and Quarterly Statement Blanks, Life, Accident, and Health, 2021 edition.

9. The Annual and Quarterly Statement Blanks, Health, 2021 edition.

10. The Annual and Quarterly Statement Blanks, Title, 2021 edition.

11. The Annual and Quarterly Statement Blanks, Fraternal, 2021 edition.

12. The Accounting Practices and Procedures Manual, 2021 edition.

13. The Financial Analysis Handbook, 2021 edition.

14. The Own Risk and Solvency Assessment Guidance Manual, 2021 edition.

15. The Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2021 edition.

16. The Risk-Based Capital Forecasting and Instructions, 2021 edition.

17. The Market Regulation Handbook, 2021 edition.

C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019), amended LR 46:993 (July 2020), amended LR 47:1328 (September 2021), amended LR 48:2299 (September 2022).

James J. Donelon
Commissioner

2209#019

RULE

Department of Insurance Office of the Commissioner

Regulation 122—Roles and Responsibilities of Pharmacy Benefit Managers and Pharmacy Services Administrative Organizations (LAC 37:XIII.Chapter 185)

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., has promulgated Regulation 122—Roles and Responsibilities of Pharmacy Benefit Managers and Pharmacy Services Administrative Organizations. Regulation 122 defines the roles and responsibilities solely within the purview of pharmacy benefit managers and pharmacy services administrative organizations as required by R.S. 22:1660.9(C). This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 185. Regulation Number 122—Roles and Responsibilities of Pharmacy Benefit Managers and Pharmacy Services Administrative Organizations

§18501. Purpose

A. The purpose of this regulation is to define the roles and responsibilities solely within the purview of pharmacy benefit managers and pharmacy services administrative organizations as required by R.S. 22:1660.9(C).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1641(8), R.S. 22:1655, R.S. 22:1660.1(B)(1), R.S. 22:1660.8, R.S. 22:1660.9(C) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2299 (September 2022).

§18503. Applicability and Scope

A. Regulation 122 shall apply to all pharmacy benefit managers and pharmacy services administrative organizations licensed in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1641(8), R.S. 22:1655, R.S. 22:1660.1(B)(1), R.S. 22:1660.8, R.S. 22:1660.9(C) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2300 (September 2022).

§18505. Definitions

Pharmacy Benefit Manager—a person, business, or other entity and any wholly or partially owned or controlled subsidiary of such entity that either directly or through an intermediary manages or administers the prescription drug and device portion of one or more health benefit plans on behalf of a third party, including insurers, plan sponsors, insurance companies, unions, and health maintenance organizations, in accordance with a pharmacy benefit management plan. The management or administration of a plan may include but is not limited to review, processing of drug prior authorization requests, adjudication of appeals and grievances related to the prescription drug benefit, contracting with network pharmacies, and controlling the cost of covered prescription drugs.

Pharmacy Services Administrative Organization—an entity that provides a contracted pharmacy with administrative, contracting, or payment services relating to prescription drug benefits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1641(8), R.S. 22:1655, R.S. 22:1660.1(B)(1), R.S. 22:1660.8, R.S. 22:1660.9(C) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2300 (September 2022).

§18507. Roles and Responsibilities of Pharmacy Benefit Managers

A. The roles and responsibilities solely within the purview of pharmacy benefit managers are as follows:

1. administering prescription drug plans for health plan sponsors;
2. formulary and benefit design support and management;
3. establishing reimbursement rates and making payments on behalf of health plan sponsors;
4. establishing and managing pharmacy networks to ensure network adequacy on behalf of health plans;
5. performing drug utilization management;
6. administering disease management and drug adherence programs; and
7. negotiating rebates and discounts from drug manufacturers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1641(8), R.S. 22:1655, R.S. 22:1660.1(B)(1), R.S. 22:1660.8, R.S. 22:1660.9(C) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2300 (September 2022).

§18509. Roles and Responsibilities of Pharmacy Services Administrative Organizations

A. The roles and responsibilities solely within the purview of pharmacy services administrative organizations are as follows:

1. negotiating contracts, drug reimbursement rates, payments, and audit terms on behalf of pharmacy clients with pharmacy benefit managers;
2. billing and collecting payments from payers on behalf of pharmacies;
3. using contractual agreements to develop networks of member pharmacies. These agreements generally authorize pharmacy services administrative organizations to interact with third-party payers and pharmacy benefit managers;
4. negotiating access for pharmacies to networks and patients;
5. facilitating the purchase of prescription drugs and other medical products from drug manufacturers and providing for delivery to pharmacies for dispensing; and
6. assisting pharmacy clients with business strategy, pricing appeals, claims reconciliation, and certification and credentialing requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1641(8), R.S. 22:1655, R.S. 22:1660.1(B)(1), R.S. 22:1660.8, R.S. 22:1660.9(C) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2300 (September 2022).

§18511. Effective Date

A. This regulation shall become effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1641(8), R.S. 22:1655, R.S. 22:1660.1(B)(1), R.S. 22:1660.8, R.S. 22:1660.9(C) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:2300 (September 2022).

James J. Donelon
Commissioner

2209#020

RULE

Department of Natural Resources Office of Conservation

Class III (Solution-Mining) Injection Wells (LAC 43:XVII.Chapter 33)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the power delegated under the laws of the state of Louisiana, the Department of Natural Resources, Office of Conservation has amended Statewide Order No. 29-M-3 (LAC 43:XVII. Subpart 5. Chapter 33) to facilitate the permitting, siting, construction, operation, monitoring, and site closure of Class III (solution-mining) injection wells.