



**EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NUMBER JBE 19-4**

PROTECTING HEALTH COVERAGE IN LOUISIANA TASK FORCE

WHEREAS, 849,000 non-elderly Louisianans had a declinable preexisting medical condition under medical underwriting practices in place prior to the enactment of the Patient Protection and Affordable Care Act (ACA);

WHEREAS, declinable preexisting conditions under pre-ACA practices included, but were not limited to: Alzheimer's/dementia, arthritis, cancer, diabetes, epilepsy, heart disease, multiple sclerosis, mental disorders, paraplegia, Parkinson's disease, and stroke;

WHEREAS, more than 465,000 Louisianans gained health coverage through the Medicaid Expansion authorized by the ACA and implemented pursuant to Executive Order No. JBE 16-01;

WHEREAS, Medicaid Expansion has provided more than 68,800 breast cancer screenings; 38,000 colon cancer screenings; and 38,500 hypertension diagnoses;

WHEREAS, Medicaid Expansion created more than 19,000 jobs in the 2017 fiscal year and spurred \$3.57 billion in economic activity;

WHEREAS, Medicaid Expansion has been a major contributing factor to keeping all Louisiana's rural hospitals open, while rural hospital closures escalate in neighboring states;

WHEREAS, Attorney General Jeff Landry joined a lawsuit, *Texas v. Azar*, seeking to invalidate the entire ACA;

WHEREAS, invalidation of the ACA would eliminate health protections for people with preexisting conditions, eliminate financial assistance for people receiving coverage through the federal Health Insurance Marketplace, and eliminate health insurance for Louisianans receiving coverage through Medicaid Expansion;

WHEREAS, the Attorney General has committed significant time and Louisiana taxpayer dollars to this lawsuit, without any consideration for its consequences and absent any realistic plan for protecting the health of Louisianans should the coverage provided by the ACA be lost;

WHEREAS, the Attorney General's attempted fix in the event he is successful in eliminating the protections of the ACA is contained in SB 173 of the 2019 Regular Session;

WHEREAS, this legislation does not provide for the needed protections of the ACA but does include a nebulous study to create a "Guaranteed Benefits Pool" under the exclusive purview of the Commissioner of Insurance;

WHEREAS, the State's pre-ACA high risk pool only covered one (1) percent of Louisianans in the individual insurance market;

WHEREAS, given the threat to the people of Louisiana, this incomplete study of limited insurance coverage is not in any way sufficient to develop realistic proposals should the protections in the ACA be invalidated; and

WHEREAS, a more comprehensive and thoughtful consideration of the risks faced by the people of Louisiana as well as the policy solutions and the needed funding is necessary.

NOW, THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: No executive branch departments of the State of Louisiana shall abridge a person's access to health insurance as prescribed by state and federal law.

SECTION 2: The Protecting Health Coverage in Louisiana Task Force is hereby established within the Executive Department.

SECTION 3: The duties of the Task Force include, but are not limited to, the following:

- A. The Task Force shall develop policy proposals to maintain health care coverage for Louisianans at risk of losing health insurance or health protections due to *Texas v. Azar*.
- B. The Task Force shall study and develop policy proposals to mitigate the impact of the loss of preexisting condition protections including, but not limited to: 1) guaranteed issue; 2) preexisting condition exclusion prohibition; 3) prohibition of lifetime and annual limits on coverage; 4) essential health benefits, 5) nondiscrimination.
- C. The Task Force shall study and develop policy proposals to mitigate the impact of more than 465,000 Louisianans losing Medicaid coverage due to *Texas v. Azar*.
- D. The Task Force shall study and develop policy proposals to determine the aggregate funding needed and financing options for the health coverage and health protections afforded by the ACA.
- E. The Task Force shall study and develop policy proposals to maximize insurance coverage and minimize out-of-pocket medical costs in Louisiana.

SECTION 4: The Task Force shall be composed of a maximum of eleven (11) voting members, who shall be designated by and serve at the pleasure of the Governor. The Governor shall designate a Chair and Co-Chair from among the appointed members.

SECTION 5: The members shall include:

- A. The Governor, or designee;
- B. The Secretary of Health, or designee;
- C. The Commissioner of Insurance, or designee;
- D. The Attorney General, or designee;
- E. The Chairmen of the House and Senate Health and Welfare Committees, or their designees;
- F. Two at-large members representing consumer health groups, appointed by the Governor;
- G. Two at-large members representing the insurance industry appointed by the Governor; and
- H. One at-large member with expertise in economics and/or fiscal modeling, appointed by the Governor.

SECTION 6: The Task Force shall meet at regularly scheduled meetings and at the call of the Chair.

- SECTION 7:** The Task Force shall provide for a report to the governor and the legislature by February 1, 2020.
- SECTION 8:** Task Force members shall not receive additional compensation or a per diem. Further, all voting Task Force members shall be subject to the ethical restrictions contained in La. R.S. 42:1113.
- SECTION 9:** All meetings of the Task Force shall be subject to the Open Meetings Law as contained in La. R.S. 42:11 et seq. and shall be held in a location to allow access by the public.
- SECTION 10:** The Task Force shall be staffed by employees of the Office of the Governor.
- SECTION 11:** All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized to cooperate with the Task Force in implementing the provisions of this Order.
- SECTION 12:** This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 21st day of May, 2019.

A handwritten signature in black ink, appearing to be "John Bel Edwards", is written over a horizontal line.

GOVERNOR OF LOUISIANA