
DIGEST

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HB 434 Original

2019 Regular Session

Magee

Abstract: Defines "policy and procedure", adds a public notice requirement, and implements a policy for adopting policies and procedures as it relates to Medicaid managed care organizations.

Proposed law defines the term "policy or procedure" to mean a course or principle of action by the Louisiana Department of Health (LDH) or a managed care organization that may have direct or indirect effect on a Medicaid enrollee or healthcare provider and shall include but not be limited to billing or claims submission and payment, medical management or utilization review, case management, claims processing guidelines and edits, grievance and appeals procedures and process, other guidelines or manuals containing pertinent information related to operations and pre-processing claims, and core benefits and services.

Proposed law establishes a public notice requirement for any contract amendment proposed by requiring LDH to publish, on a publicly accessible page of LDH's website, a copy of the entire proposed contract amendment and to provide a public comment period of no less than 30 days; except where LDH finds imminent peril to public health, safety, or welfare in which case they may immediately execute the proposed contract amendment upon publishing a copy of the contract amendment and a written statement that details the reason for finding that an imminent peril requires adoption of the executed amendment.

Proposed law establishes policies and procedure for adoption of policies which require LDH to publish the proposed policy or procedure on a publicly accessible page of LDH's website for a period of no less than 45 days for the purpose of soliciting public comment. LDH shall determine the format; however, LDH shall include existing policy or procedure along with proposed policy or procedure.

Proposed law provides that any policy or procedure proposed by a managed care organization shall not be implemented without the express written approval to the managed care organization by LDH after the expiration of the public notice period. However, if LDH finds that imminent peril requires immediate approval, LDH may implement the proposal upon publishing a written statement that details its reasons for finding that imminent peril requires adoption of the proposed policy or procedure and a copy of the proposed policy or procedure.

Proposed law provides that proposed law shall not apply to any policy or procedure that is promulgated in accordance with the Administrative Procedure Act or included in a duly executed contract.

Proposed law prohibits LDH or a managed care organization from enforcing any policy or procedure that is not adopted in compliance with this section.

(Adds R.S. 46:460.51(15), 460.53, and 460.54)