

BY REPRESENTATIVES HORTON, ABRAHAM, ADAMS, AMEDEE, ARMES, BACALA, BAGLEY, BERTHELOT, BILLIOT, BRASS, TERRY BROWN, CARMODY, ROBBY CARTER, STEVE CARTER, CHANEY, DAVIS, DEVILLIER, EMERSON, GISCLAIR, LANCE HARRIS, HENRY, HILFERTY, HILL, HOFFMANN, HOWARD, JACKSON, JEFFERSON, JENKINS, ROBERT JOHNSON, JONES, LACOMBE, LEBAS, MCFARLAND, MCMAHEN, DUSTIN MILLER, MOORE, JIM MORRIS, PIERRE, POPE, PYLANT, RICHARD, STAGNI, STEFANSKI, STOKES, TALBOT, THOMAS, TURNER, WHITE, AND WRIGHT AND SENATORS ALARIO, APPEL, BARROW, BISHOP, BOUDREAUX, COLOMB, DONAHUE, FANNIN, GATTI, JOHNS, LUNEAU, MARTINY, MILLS, MIZELL, MORRELL, PEACOCK, PETERSON, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

1 AN ACT

2 To enact Part III of Chapter 8 of Title 46 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 46:977.21 through 977.25, relative to services for children
4 provided through the medical assistance program of this state known commonly as
5 Medicaid; to provide for duties and responsibilities of the Louisiana Department of
6 Health in administering the Medicaid program; to establish and provide for a special
7 option within Medicaid to serve certain children with disabilities; to require
8 development and submission of a Medicaid state plan amendment to the federal
9 Medicaid agency; to provide for definitions; to provide for promulgation of rules;
10 and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part III of Chapter 8 of Title 46 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 46:977.21 through 977.25, is hereby enacted to read as follows:

1 PART III. SERVICES FOR CHILDREN WITH DISABILITIES - TEFRA OPTION

2 §977.21. Purpose

3 The purpose of this Part is to provide for the TEFRA option within the
4 Medicaid program of this state through which children with disabilities can access
5 Medicaid-funded services regardless of their parents' income.

6 §977.22. Definitions

7 For purposes of this Part, the following terms have the meaning ascribed in
8 this Section:

9 (1) "Department" means the Louisiana Department of Health.

10 (2) "Medicaid" means the medical assistance program provided for in Title
11 XIX of the Social Security Act.

12 (3) "Secretary" means the secretary of the Louisiana Department of Health.

13 (4) "TEFRA option" means the program authorized under Section 134 of the
14 Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248), and provided for
15 more specifically in this Part, which furnishes Medicaid benefits to children with
16 disabilities who are otherwise ineligible for such benefits because the income of their
17 household exceeds state-established limits for Medicaid eligibility.

18 §977.23. TEFRA option established; application to federal Medicaid agency;
19 limitation

20 A. The legislature hereby creates a TEFRA option program in order to
21 protect and promote public health and well-being in this state. The department shall,
22 subject to the approval of the federal Centers for Medicare and Medicaid Services,
23 begin a program to provide health care services via the state's Medicaid program for
24 the population contemplated under Section 134 of the Tax Equity and Fiscal
25 Responsibility Act of 1982 (P.L. 97-248).

26 B. The TEFRA option shall offer coverage exclusively through the Medicaid
27 fee-for-service system unless the department determines that offering TEFRA option
28 coverage to persons enrolled in the Medicaid managed care program would be more
29 cost-effective.

§977.24. Eligibility factors; benefits; premium payment program participation

A. In order to be eligible for the TEFRA option, a child shall meet all of the following eligibility criteria:

(1) He is a Louisiana resident and United States citizen.

(2) He is under the age of nineteen.

(3) He has a disability that is recognized under the definition of disability utilized in the Supplemental Security Income program of the Social Security Administration, regardless of whether he is eligible to receive benefits under that program.

(4) He is ineligible for Medicaid coverage when the income of his parents is considered.

(5) Excluding the assets of his parents, he does not have total assets exceeding two thousand dollars in value.

(6) Due to his disability, he requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility; however, care provided outside of such an institution may be appropriate.

(7) The cost of his care provided at his home is less than the cost of institutional care.

B. The TEFRA option shall provide to eligible children coverage for all Medicaid state plan services.

C. To the maximum extent practicable, as determined by the secretary, the department shall include TEFRA option beneficiaries in its health insurance premium payment program as a means of maximizing private health insurance coverage of Medicaid enrollees.

§977.25. Administrative rulemaking

The department shall promulgate all such rules in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Part.

Section 2. The secretary of the Louisiana Department of Health shall take such actions as are necessary to cause the TEFRA option program established by R.S. 46:977.21

1 et seq., as enacted by Section 1 of this Act, to be submitted to the Centers for Medicare and
2 Medicaid Services on or before June 1, 2020.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____