

Regular Session, 2009

SENATE BILL NO. 80

BY SENATORS CHEEK, BROOME, DORSEY, DUPLESSIS, DUPRE, N. GAUTREAUX, GRAY EVANS, GUILLORY, HEITMEIER, JACKSON, LONG, MARTINY, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS AND SHAW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAID. Requires the same coverage and reimbursement for Medicaid reimbursement to unique providers of health services for catastrophically ill children being treated in facilities out of state as provided to facilities in the state. (8/15/09)

1 AN ACT

2 To enact Part LXVI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:1300.291 through 1300.293, relative to Medicaid
4 reimbursement; to provide for definitions; to provide for Medicaid reimbursement
5 for certain health services providers; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part LXVI of Chapter 5 of Title 40 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 40:1300.291 through 1300.293, is hereby enacted to read as
9 follows:

10 **PART LXVI. HEALTH SERVICES FOR CATASTROPHICALLY**

11 **ILL CHILDREN**

12 **§1300.291. Definitions**

13 **As used in this Part, the following terms shall have the following**
14 **meanings:**

15 **(1) "Unique provider of health services for catastrophically ill children"**
16 **means an institution designated by the National Cancer Institute as a**
17 **Comprehensive Cancer Center focused solely on pediatrics and that is a**

1 children's hospital dedicated to caring for children with catastrophic illness and
2 conducting basic and advanced research into catastrophic childhood diseases
3 such as cancers, acquired and inherited immunodeficiencies, and genetic
4 disorders.

5 (2) "Pediatric" means children and youth eligible and certified for
6 Medicaid coverage, Louisiana Children's Health Insurance Program coverage,
7 or coverage under a Louisiana Medicaid waiver program or Louisiana
8 Medicaid managed care program.

9 §1300.292. Reimbursement

10 A. The secretary of the Department of Health and Hospitals shall
11 provide coverage and reimbursement to a unique provider of health services for
12 catastrophically ill children to the same extent that it would provide coverage
13 for services for those children furnished within the boundaries of the state and
14 shall insure that reimbursement to such institution shall be equal to the
15 reimbursement rate of in-state children's hospitals for pediatric care. Such
16 reimbursements shall be less than five hundred thousand dollars in total
17 expenditures in any state fiscal year.

18 B. Implementation of the provisions of this Part shall be subject to the
19 appropriation of funds by the legislature for this purpose.

20 §1300.293. Rules and regulations

21 The Department of Health and Hospitals shall promulgate rules and
22 regulations, in accordance with the Administrative Procedure Act, and take
23 such other actions as are necessary to implement the provisions of this Part.
24 The Department of Health and Hospitals shall submit to and obtain approval
25 from the Centers for Medicare and Medicaid Services of a Medicaid State Plan
26 Amendment that contains a reimbursement methodology that restricts
27 payments to the annual maximum established in this Part prior to
28 implementation of the provisions of this Part.

29 Section 2. This Act shall become effective on August 15, 2009; if vetoed by the

1 governor and subsequently approved by the legislature, this Act shall become effective on
 2 August 15, 2009, or on the day following such approval by the legislature, whichever is
 3 later.

The original instrument was prepared by Greg Waddell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

DIGEST

Cheek (SB 80)

Proposed law defines "unique provider of health services for catastrophically ill children" and "pediatric."

Proposed law provides that DHH shall provide coverage and reimbursement to a unique provider of health services for catastrophically ill children to the same extent that it would provide coverage for services furnished within the boundaries of the state and shall insure that reimbursement to such institution shall be equal to the reimbursement rate of in-state children's hospital for pediatric care. Provides a limit on reimbursements for providers to less than \$500,000 in any state fiscal year. Further provides that implementation of these provisions shall be subject to the appropriation of funds by the legislature for such purpose.

Proposed law provides that DHH shall promulgate rules and regulations, in accordance with the APA, and take such other actions as are necessary to implement the provisions of proposed law. Adds a requirement that the department shall submit a State Plan Amendment and obtain approval from CMMS that contains a reimbursement methodology restricting payments to the annual maximum prior to implementation of provisions contained in the Act.

Effective August 15, 2009.

(Adds R.S. 40:1300.291 - 1300.293)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill.

1. Limits reimbursements for providers for certain catastrophically ill children to less than \$500,000 in any state fiscal year.
2. Provides that implementation of the provisions of this Part shall be subject to the appropriation of funds by the legislature for such purpose.
3. Adds requirement that the department shall submit a State Plan Amendment and obtain approval from CMMS that contains a reimbursement methodology restricting payments to the annual maximum prior to implementation of these provisions.

Senate Floor Amendments to reengrossed bill.

1. Makes technical changes.