

2015 Regular Session

HOUSE BILL NO. 560

BY REPRESENTATIVE NORTON

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

MEDICAID: Requires that La. Medicaid eligibility standards conform to those established by the Affordable Care Act

1 AN ACT

2 To enact Chapter 8-C of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 46:979.11 through 979.13, relative to the medical assistance program of the
4 state commonly known as Medicaid; to provide for Medicaid eligibility criteria; to
5 require state participation in the expansion of Medicaid program eligibility provided
6 in federal law; to provide for definitions; to provide for legislative findings and
7 intent; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 8-C of Title 46 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 46:979.11 through 979.13, is hereby enacted to read as follows:

11 CHAPTER 8-C. FEDERALLY PROVIDED

12 MEDICAL ASSISTANCE PROGRAM EXPANSION

13 §979.11. Definitions

14 As used in this Chapter, the following terms have the meaning ascribed to
15 them in this Section:

16 (1) "ACA" and "Affordable Care Act" mean the following acts of congress,
17 collectively:

18 (a) The Patient Protection and Affordable Care Act, which originated as H.R.
19 3590 in the One Hundred Eleventh United States Congress and became Public Law
20 111-148.

1 (b) The Health Care and Education Reconciliation Act, which originated as
2 H.R. 4872 in the One Hundred Eleventh United States Congress and became Public
3 Law 111-152.

4 (2) "Centers for Medicare and Medicaid Services" means the division of the
5 United States Department of Health and Human Services which administers and
6 regulates the Medicaid program.

7 (3) "Department" means the Department of Health and Hospitals.

8 (4) "Medicaid" and "medical assistance program" mean the medical
9 assistance program provided for in Title XIX of the Social Security Act.

10 (5) "Secretary" means the secretary of the Department of Health and
11 Hospitals.

12 §979.12. Legislative findings; purpose

13 A. The Legislature of Louisiana hereby finds and declares the following:

14 (1) The Affordable Care Act, referred to hereafter in this Chapter as the
15 "ACA", sets forth health policy reforms that reshape the way virtually all Americans
16 will receive and finance their health care.

17 (2) In a decision announced on June 28, 2012, the Supreme Court of the
18 United States in *National Federation of Independent Business Et Al. v. Sebelius,*
19 *Secretary of Health and Human Services, Et Al.* upheld the overall constitutionality
20 of the ACA; but in the same ruling, a majority of the court held that the mandatory
21 expansion of Medicaid eligibility as provided in the ACA is unconstitutionally
22 coercive of states, thereby making participation in the Medicaid expansion a
23 voluntary proposition for each state.

24 (3) The Legislative Fiscal Office estimated in 2013 that had Louisiana
25 implemented Medicaid expansion beginning January 1, 2014, the State General Fund
26 savings to result from the expansion would have been one hundred six million to one
27 hundred eleven million dollars per year from 2014 through 2018, totaling five
28 hundred thirty-two million to five hundred fifty-four million dollars in State General
29 Fund savings for the period.

1 (4) The legislature declares that due to compelling moral and economic
2 reasons, participation in the expansion of Medicaid eligibility is in the best interest
3 of this state.

4 B. The purposes of this state in expanding Medicaid eligibility to conform
5 to the standards established by the ACA, as provided in this Chapter, are as follows:

6 (1) To maximize the number of Louisianians who are covered by some form
7 of health insurance.

8 (2) To provide basic health coverage to the working poor of the state who
9 are not offered insurance through their employer and do not earn enough money to
10 meet basic family needs and pay for private health insurance.

11 (3) To assure health care providers who serve low- to moderate-income
12 persons of some amount of compensation for the care they provide, as the ACA
13 provides for a dramatic reduction in funding to federal programs which currently
14 finance care for the uninsured as a means of financing the Medicaid expansion.

15 (4) To avert the economic and human costs of crises in both access to health
16 care and health services financing that occur in states that do not participate in the
17 readily available expansion of Medicaid while other federal sources of financing for
18 medical care for the uninsured and the indigent in those states are being drastically
19 reduced or eliminated.

20 §979.13. Expansion of Medicaid eligibility; duties of the secretary of the
21 Department of Health and Hospitals

22 The secretary of the department shall take all of the following actions in order
23 to expand Medicaid eligibility:

24 (1) File a Medicaid state plan amendment with the Centers for Medicare and
25 Medicaid Services to provide that eligibility standards for medical assistance
26 program benefits in Louisiana conform to the minimum eligibility standards as
27 provided in the Patient Protection and Affordable Care Act (Pub. L. 111-148) and
28 codified in federal regulations relative to medical assistance program coverage (42
29 CFR 435.119).

1 (2) Promulgate all rules and regulations in accordance with the
2 Administrative Procedure Act as are necessary to implement the provisions of this
3 Chapter.

4 Section 2. On or before October 1, 2015, the Department of Health and Hospitals
5 shall take all of the actions required by R.S. 46:979.13, as enacted by Section 1 of this Act,
6 as are necessary to expand Medicaid eligibility in conformance with the provisions of
7 Section 1 of this Act.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 560 Original

2015 Regular Session

Norton

Abstract: Requires that La. Medicaid eligibility standards conform to those established by the Affordable Care Act.

Proposed law requires the secretary of the Dept. of Health and Hospitals to take actions on or before Oct. 1, 2015, as are necessary to cause this state's participation in the expansion of Medicaid eligibility as provided by the Affordable Care Act (ACA). Provides that such actions shall include:

- (1) Filing the Medicaid state plan amendment necessary to expand eligibility in accordance with proposed law.
- (2) Promulgating all rules and regulations as are necessary to expand Medicaid eligibility in accordance with proposed law.

Proposed law declares that the purposes of the state in expanding Medicaid eligibility as provided in proposed law are as follows:

- (1) To maximize the number of Louisianians who are covered by some form of health insurance.
- (2) To provide basic health coverage to the working poor of the state who are not offered insurance through their employer and do not earn enough money to meet basic family needs and pay for private health insurance.

- (3) To assure health care providers who serve low- to moderate-income persons of some amount of compensation for the care they provide, as the ACA provides for a dramatic reduction in funding to federal programs which currently finance care for the uninsured as a means of financing the Medicaid expansion.
- (4) To avert the economic and human costs of crises in both access to health care and health services financing that occur in states that do not participate in the readily available expansion of Medicaid while other federal sources of financing for medical care for the uninsured and the indigent in those states are being drastically reduced or eliminated.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 46:979.11-979.13)