

RÉSUMÉ DIGEST

ACT 498 (HB 891)

2018 Regular Session

Hoffmann

Prior law provided that no institution, board, commission, department, agency, official, or employee of the state, or of any local political subdivision thereof, shall contract with, award any grant to, or otherwise bestow any funding upon, an entity or organization that performs abortions, or that contracts with an entity or organization that performs abortions, in this state. Prior law stipulated that the prohibition shall apply to state funds, federal funds, and any other funds that may be used for purposes of contracting for services, providing reimbursements, or grant issuance.

New law provides that the prohibition on public funding for abortion providers shall apply to state funds, federal funds, and any other public funds administered by the La. Department of Health (LDH) through a Medicaid provider agreement.

New law prohibits LDH from entering into a Medicaid provider agreement with any healthcare provider, entity, or organization that does any of the following:

- (1) Performs abortions in this state.
- (2) Provides its own facilities where reimbursable Medicaid services are performed for the use of another healthcare provider, entity, or organization for the purpose of performing abortions in this state.
- (3) Hires or retains another healthcare provider, entity, or organization for the purpose of performing abortions in this state.
- (4) Provides reimbursable Medicaid services in the same physical facility as a licensed outpatient abortion facility.

New law provides that the prohibition on public funding for abortion providers shall not be construed to prohibit provision of public protections such as fire, police, or emergency medical services, public utilities, or other such services to any entity or organization in the same manner as provided to the general public.

Existing law provides that a license issued to an outpatient abortion facility is valid for only one location. New law retains existing law and adds thereto a requirement that each abortion facility's location shall be physically and financially separate from any facility where publicly funded Medicaid services are provided, as required by new law.

Effective 30 days after the effective date of any federal law or regulation authorizing La. to prohibit any provider of elective abortions from receiving Medicaid funding for any healthcare service.

(Amends R.S. 36:21(B) and R.S. 40:1061.6(A)(2) and 2175.4(B))