

2021 Regular Session

HOUSE RESOLUTION NO. 185

BY REPRESENTATIVE CREWS

A RESOLUTION

To authorize and direct the Louisiana Department of Health to report certain data relating to Medicaid estate recovery cases to the House Committee on Appropriations and the House Committee on Health and Welfare.

WHEREAS, Medicaid is the largest source of funding for institutional long-term care in this state and in the nation; and

WHEREAS, many persons who need long-term care may qualify for Medicaid assistance despite owning assets such as a home; and

WHEREAS, federal Medicaid law requires states to establish estate recovery programs in accordance with 42 U.S.C. 1396p for recovering benefits paid through Medicaid for any person's institutional long-term care after the death of that person; and

WHEREAS, Louisiana law, R.S. 46:153.4, requires the Louisiana Department of Health to establish an estate recovery program in compliance with federal Medicaid law for the purpose of recovering Medicaid payments made on behalf of individuals from their succession estates; and

WHEREAS, this state's Medicaid estate recovery law prohibits recovery on the first fifteen thousand dollars or one-half the median value of the homestead in each parish, whichever is higher, making our estate recovery program one of the most generous in the nation; and

WHEREAS, on average, over the past decade, the Louisiana Department of Health has collected through Medicaid estate recovery less than five hundred thousand dollars annually; this figure represents a small fraction of the monies that the state is authorized by law to recover for benefits paid through its Medicaid-financed institutional long-term care program which now expends over one billion dollars annually for nursing home care for over twenty thousand Louisiana citizens; and

WHEREAS, it is essential for the legislature to obtain key data relating to Medicaid estate recovery in order to inform changes in public policy to enhance the effectiveness of this program.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct the Louisiana Department of Health to report to the House Committee on Appropriations and the House Committee on Health and Welfare, on or before March 1, 2022, all of the data and information specified hereafter in this Resolution.

BE IT FURTHER RESOLVED that the Louisiana Department of Health shall report to the legislative committees designated in this Resolution all of the following data and information relating to each Medicaid enrollee who died in calendar year 2016, 2017, 2018, 2019, or 2020 and whose succession estate was subject to the estate recovery program provided for in R.S. 46:153.4:

(1) The total cost to the Louisiana Medicaid program of the long-term care that the decedent received.

(2) The value of the decedent's succession estate.

(3) The maximum dollar amount that the department is authorized to recover from the decedent's succession estate.

(4) Whether or not the department opened a Medicaid estate recovery case to recover from the decedent's estate.

(5) If the department pursued recovery from the decedent's estate, all of the following information:

(a) The amount recovered.

(b) The exemptions granted in connection with the estate recovery case, if any, and the total dollar value of those exemptions.

BE IT FURTHER RESOLVED that in addition to reporting the individual-level case data required by the preceding section of this Resolution, the Louisiana Department of Health shall aggregate all such data into quintiles by total cost to the Louisiana Medicaid program of the long-term care that decedents received and shall report to the legislative committees designated herein all of the following data associated with each quintile:

(1) The total cost to the Louisiana Medicaid program of the long-term care that the cohort of decedents in the quintile received.

(2) The maximum dollar amount that the department is authorized to recover from the succession estates, collectively, of the cohort of decedents in the quintile.

(3) The total dollar amount recovered by the Medicaid estate recovery program from the succession estates of the cohort of decedents in the quintile.

BE IT FURTHER RESOLVED that the Louisiana Department of Health shall ensure that all individual-level case data required by this Resolution is de-identified prior to reporting the data to the legislative committees designated herein.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the secretary of the Louisiana Department of Health.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES