

2018 Regular Session

SENATE BILL NO. 347

BY SENATOR HEWITT

FUNDS/FUNDING. Provides relative to funding for waiver services for individuals with developmental disabilities. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 39:100.61, relative to funding for waiver services for individuals
3 with developmental disabilities; to provide for the definition of "waiver services";
4 to provide for the Louisiana Department of Health in consultation with the Louisiana
5 Developmental Disabilities Council to develop a plan for appropriations out of the
6 New Opportunities Waiver Fund; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:100.61 is hereby amended and reenacted to read as follows:

9 §100.61. New Opportunities Waiver Fund

10 A. There is hereby created in the state treasury, as a special fund, the New
11 Opportunities Waiver Fund, hereinafter referred to as the "fund."

12 B.(1) The source of monies in the fund shall be as follows:

13 (a) In any fiscal year, the state treasurer is directed to deposit twelve percent
14 of all recurring state general fund revenue, not to exceed fifty million dollars in any
15 fiscal year, as recognized by the Revenue Estimating Conference in excess of the
16 Official Forecast at the beginning of the current fiscal year into the ~~New~~
17 ~~Opportunities Waiver Fund~~ **fund**, and monies in the fund from this Subparagraph

1 shall be used for appropriation in the ensuing fiscal year.

2 (b) Monies designated for the fund and received by the state treasurer from
3 donations, gifts, grants, appropriations, or other revenue.

4 (2) Monies in the fund shall be invested in the same manner as monies in the
5 state general fund. Interest earned on investment of monies in the fund shall be
6 credited to this fund. Unexpended and unencumbered monies in the fund at the end
7 of the fiscal year shall remain in the fund.

8 **(3) For the purposes of this Section, "waiver services" means Medicaid**
9 **services provided under the New Opportunities Waiver, the Children's Choice**
10 **Waiver, or any other Medicaid home and community-based waiver for persons**
11 **with developmental disabilities as promulgated by rule by the Louisiana**
12 **Department of Health. The Louisiana Department of Health shall consult with**
13 **the Louisiana Developmental Disabilities Council to develop a plan for**
14 **appropriations out of this fund.**

15 C. Subject to an appropriation by the legislature, monies in the ~~New~~
16 ~~Opportunities Waiver Fund~~ **fund** shall be used solely to fund ~~the New Opportunities~~
17 ~~Waiver program~~ **waiver services, as defined in this Section, to improve the**
18 **capacity of the state to meet the varying and complex needs of individuals with**
19 **developmental disabilities, with emphasis on increasing the number of**
20 **recipients of waiver services, and** administered by the Louisiana Department of
21 Health. Such funding ~~shall be used for the purpose of adding additional waiver slots~~
22 ~~and~~ shall not be used to supplant appropriations from the general fund for ~~the New~~
23 ~~Opportunities Waiver program~~ **waiver services as defined in this Section.** Nothing
24 contained in this Subpart shall prohibit the legislature from appropriating additional
25 monies for ~~the New Opportunities Waiver slot program~~ **waiver services as defined**
26 **in this Section.**

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

DIGEST

SB 347 Reengrossed

2018 Regular Session

Hewitt

Present law establishes the New Opportunities Waiver (NOW) Fund, as a special fund in the state treasury, and provides that the sources of monies in the fund shall be the deposit of 12% of all recurring state general fund revenue, not to exceed \$50 million in any fiscal year, as recognized by the Revenue Estimating Conference in excess of the Official Forecast at the beginning of the current fiscal year, with such monies to be used for appropriation in the ensuing fiscal year. Other sources of monies in the fund are monies designated for the fund and received by the state treasurer from donations, gifts, grants, appropriations, or other revenue.

Proposed law defines "waiver service" for purposes of proposed law to mean Medicaid services provided under NOW, the Children's Choice Waiver, or any other Medicaid home and community-based waiver for persons with developmental disabilities, as promulgated by rule by the Louisiana Department of Health (LDH). Proposed law further provides that LDH shall consult with the La. Developmental Disabilities Council to develop a plan for appropriations out of the fund.

Present law provides, subject to legislative appropriation, that the monies in the NOW Fund shall be used solely to fund the NOW program administered by LDH and shall be used for the purpose of adding additional waiver slots. Proposed law provides, subject to legislative appropriation, that monies in the NOW Fund shall be used solely to fund waiver services, as defined in proposed law, to improve the capacity of the state to meet the varying and complex needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services, administered by LDH.

Present law provides that funding shall not be used to supplant appropriations from the general fund for the NOW program. Proposed law provides that such funding shall not be used for the purpose of supplanting appropriations from the general fund for waiver services.

Present law further provides that nothing in present law shall prohibit the legislature from appropriating additional monies for the NOW slot program. Proposed law provides that nothing shall prohibit the legislature from appropriating additional monies for waiver services.

Effective August 1, 2018.

(Amends R.S. 39:100.61)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Deletes references to the Community and Family Support System Fund.
2. Defines "waiver services" for purposes of proposed law.
3. Provides, subject to legislative appropriation, that monies in the NOW Fund shall be used solely to fund waiver services to improve the capacity of the state to meet the varying and complex needs of individuals with

developmental disabilities, with emphasis on increasing the number of recipients of waiver services, administered by LDH.

Senate Floor Amendments to engrossed bill

1. Legislative Bureau technical amendments.