

2019 Regular Session

HOUSE BILL NO. 434

BY REPRESENTATIVE MAGEE AND SENATOR MILLS

1 AN ACT

2 To enact R.S. 46:460.51(15), 460.53, and 460.54, relative to the Louisiana Medical
3 Assistance Program; to provide for a defined term; to provide a public notice
4 requirement; to provide for the implementation of a policy for the adoption of
5 policies and procedures; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:460.51(15), 460.53, and 460.54 are hereby enacted to read as
8 follows:

9 §460.51. Definitions

10 As used in this Part, the following terms have the meaning ascribed in this
11 Section unless the context clearly indicates otherwise:

12 * * *

13 (15) "Policy or procedure" shall mean a requirement governing the
14 administration of managed care organizations specific to billing guidelines, medical
15 management and utilization review guidelines, case management guidelines, claims
16 processing guidelines and edits, grievance and appeals procedures and process, other
17 guidelines or manuals containing pertinent information related to operations and pre-
18 processing claims, and core benefits and services.

19 * * *

20 §460.53. Contract amendments; public notice

21 A. The department, prior to executing any amendment to a professional,
22 personal, consulting, or social services contract that provides for managed care under
23 the Louisiana Medical Assistance Program through the use of a managed care
24 organization, primary care case management, prepaid inpatient health plan, or

1 prepaid ambulatory health plan, all as defined in 42 CFR 438.2, shall publish on a
2 publicly accessible page of the department's website a copy of the entire proposed
3 contract amendment and provide a public comment period of no less than thirty days.

4 B. If the department finds that an imminent peril to the public health, safety,
5 or welfare requires immediate execution of a proposed contract amendment without
6 otherwise publishing the proposed contract amendment as required in Subsection A
7 of this Section, the department may execute the proposed contract amendment upon
8 publishing a copy of the contract amendment and a written statement that details the
9 reason for finding that an imminent peril to the public health, safety, or welfare
10 requires adoption of the executed amendment.

11 §460.54. Medicaid policies and procedures; procedure for adoption

12 A. The department, prior to adopting, approving, amending or implementing
13 any policy or procedure, shall publish the proposed policy or procedure on a publicly
14 accessible page of the department's website for a period of no less than forty-five
15 days for the purpose of soliciting public comments. The proposed policy or
16 procedure shall be published in a format to be determined by the department but shall
17 include both the existing policy or procedure and the proposed policy and procedure,
18 with the proposed language in the text printed in boldface type and underscored. All
19 present policy or procedure language and punctuation which are to be deleted shall
20 be struck through.

21 B. A policy or procedure proposed by a managed care organization shall not
22 be implemented unless the department has provided its express written approval to
23 the managed care organization after the expiration of the public notice period
24 required by this Section.

25 C. If the department finds that an imminent peril to the public health, safety,
26 or welfare requires immediate approval of a proposed policy or procedure without
27 otherwise publishing the proposed policy or procedure as required in Subsection A
28 of this Section, the department may implement the proposed policy or procedure
29 upon publishing a written statement that details its reason for finding that an

1 imminent peril to the public health, safety, or welfare requires adoption of the
2 proposed policy or procedure and a copy of the policy or procedure.

3 D. The provisions of this Section shall not apply to any policy or procedure
4 that is otherwise duly promulgated in accordance with the Administrative Procedure
5 Act or included in a duly executed contract amendment.

6 E. The department or a managed care organization shall be prohibited from
7 enforcing any policy or procedure that is not adopted in compliance with this Section
8 and any such policy or procedure shall be null and void and considered a violation
9 of the public policy of this state.

10 F. If the managed care organization makes any policy or procedure change,
11 the managed care organization shall submit the changes to the department for
12 approval within the time specified by the department.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____