

ACT No. 381

2019 Regular Session

HOUSE BILL NO. 390

BY REPRESENTATIVES WHITE, AMEDEE, BACALA, BILLIOT, TERRY BROWN, CARMODY, GARY CARTER, CHANEY, COX, HILL, HOFFMANN, JACKSON, JEFFERSON, JENKINS, ROBERT JOHNSON, LARVADAIN, LYONS, POPE, SIMON, STAGNI, AND THOMAS AND SENATOR WALSWORTH

1 AN ACT

2 To enact Part II-A of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:1250.1 through 1250.21, relative to Medicaid-funded
4 disability services; to provide for an annual report concerning such services; to
5 provide for data to be included in the report; to provide for submission of the report
6 to certain legislative committees; to provide for definitions; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part II-A of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 40:1250.1 through 1250.21, is hereby enacted to read as follows:

11 PART II-A. DISABILITY SERVICES: REPORTING

12 SUBPART A. GENERAL PROVISIONS

13 §1250.1. Short title

14 This Part shall be known and may be cited as the "Disability Services
15 Sustainability Act".

16 §1250.2. Legislative findings; declaration

17 A. The legislature hereby finds all of the following:

18 (1) Access to quality services for persons with developmental, intellectual,
19 adult-onset, or physical disabilities furnished by private providers is essential for the
20 health, safety, and well being of those persons.

1 (2) Reliable and sufficient Medicaid reimbursement rates for private
 2 providers are necessary to create and maintain a sustainable statewide system of
 3 services for eligible individuals with disabilities.

4 (3) A statewide system of services is sustainable only if reimbursement rates
 5 are sufficient to enlist providers in numbers great enough to allow eligible
 6 individuals a choice among different providers who are capable of delivering quality
 7 services that will meet the assessed needs of those individuals in a timely manner.

8 B. The legislature hereby declares that this state must take steps to foster and
 9 maintain a robust network that attracts and retains quality providers which are
 10 capable of maintaining a stable workforce and are sufficient in number to allow for
 11 meaningful choices among providers by individuals eligible to receive disability
 12 services.

13 §1250.3. Definitions

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

16 (1) "Department" means the Louisiana Department of Health.

17 (2) "Methodology" means the aggregate of methods, principles, assumptions,
 18 variables, factors, and procedures used to determine a reimbursement rate.

19 (3) "Provider" means a person, public agency, nonprofit corporation, or a
 20 for-profit business entity that provides services under a contract or other agreement
 21 with the department.

22 (4) "Rate" means the amount of money per unit of time for a Medicaid
 23 service performed or the amount of money for a Medicaid service performed for a
 24 flat fee, such as a per diem.

25 (5) "Rebasing" means using cost report information to adjust Medicaid
 26 reimbursement rates to the level dictated by the Medicaid reimbursement
 27 methodology for each covered service.

28 (6) "Reimbursement" means payment for a Medicaid service in accordance
 29 with a specified rate.

1 (2) The date of the last rebasing of Medicaid rates for intermediate care
2 facilities for people with developmental disabilities and any future dates on which
3 those rates are due to be rebased.

4 (3) The amount of funding that would be required for an annual adjustment,
5 based on the inflation index, to Medicaid rates for disability services.

6 (4) The health market basket inflation index used in calculating the amount
7 of funding that would be needed for an annual adjustment of Medicaid rates for
8 disability services.

9 (5) Any proposed changes to the methodology for determining Medicaid
10 rates for disability services.

11 B. Upon request of any legislative committee identified in this Section, the
12 secretary of the department or his designee shall appear in person before the
13 committee to present the report required by this Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____