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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Carla S. Roberts.

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DIGEST

SB 361 Original

2020 Regular Session

Mizell

Present law provides that the secretary of the Dept. of Public Safety and Corrections will establish and prescribe standards for health, medical, and dental services for each prison, including preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients.

Present law provides that payments to private hospitals or healthcare providers for healthcare services provided to a prisoner in an amount greater than the lesser of the actual amount billed by the healthcare provider, 110% Medicare rate of compensation, or the healthcare provider's actual costs, unless the rate of compensation for such healthcare services is subject to a contractual agreement entered into between the department and the healthcare provider.

Present law provides that no monies appropriated to the department from the state general fund or from dedicated funds shall be used for medical costs associated with organ transplants for inmates or for the purposes of providing cosmetic medical treatment of inmates, unless the condition necessitating such treatment or organ transplant arises or results from an accident or situation which was the fault of the department or resulted from an action or lack of action on the part of the department.

Proposed law retains present law but provides that, on or after August 1, 2020, no inmate shall receive any medical treatment or service unless the treatment or service meets the following criteria:

- (1) Is medically necessary.
- (2) Is not an elective procedure.
- (3) Is a surgery or a health, medical, or dental service that is on the list of approved services promulgated by the La. Dept. of Health as available for use by a Louisiana Medicaid participant or is a prescription medication which is on the La. Medicaid single preferred drug list or is an over-the-counter medication.

Proposed law provides that the legislative auditor shall review all medical billing statements and information related to all surgeries and health, medical, or dental services provided to prison inmates pursuant to present law during the 2017-2018, the 2018-2019, and the 2019-2020 Fiscal Years and pursuant to proposed law for the first half of the 2020-2021 Fiscal Year and will prepare a report to the legislature. The report to the legislature will be delivered to the president of the Senate and the speaker of the House of Representatives no later than February 15, 2021, and will include all of the following:

- (1) The number of surgeries performed as well as the number of health, medical, and dental services rendered to inmates during the 2017-2018, the 2018-2019, and the 2019-2020 Fiscal Years and the number of those surgeries and services that were elective in nature.
- (2) The percentage of name brand medications which were prescribed to inmates in comparison with generic medications or similar over-the-counter medications.
- (3) The amount of reduced costs from the use of the Medicaid-approved treatment list and the Medicaid single preferred drug list in the first half of the 2020-2021 Fiscal Year in comparison with the three previous fiscal years where no such controls were in place.
- (4) Recommendations for efficiencies which can improve the delivery of medically necessary health, medical, and dental services to inmates in corrections facilities while reducing any unnecessary costs for such delivery.

Proposed law provides that nothing in proposed law is to be construed to authorize the payment of Medicaid funds for the medical care of any inmate housed in a correctional facility in violation of federal Medicaid law. Proposed law further provides that it is the intent of the legislature that the use of the Medicaid-approved list of treatments, surgeries, and procedures as well as the Medicaid single preferred drug list promulgated by the La. Dept. of Health shall be for the sole purpose of providing a control list of those approved treatments, surgeries, and medications which may be utilized by inmates in correctional facilities so long as they are medically necessary and are not elective procedures.

Effective August 1, 2020.

(Amends R.S. 15:824(B)(1)(c)(intro para) and 831(A); adds R.S. 15:831(E) and (F))