

2021 Regular Session

HOUSE BILL NO. 73

BY REPRESENTATIVE CREWS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAID: Authorizes the La. Department of Health to contract for the administration of the Medicaid estate recovery program

1 AN ACT

2 To amend and reenact R.S. 42:262(A) and (B) and R.S. 46:153.4(H) and to enact R.S.  
3 46:153.4(I), relative to the Medicaid estate recovery program; to require the  
4 Louisiana Department of Health to contract for the administration of the program;  
5 to provide for requirements and specifications relative to such contracts; to authorize  
6 the department to contract on a contingency fee basis for Medicaid estate recovery  
7 program administration; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 42:262(A) and (B) are hereby amended and reenacted to read as  
10 follows:

11 §262. Special attorney or counsel

12 A. In the event that the attorney general, or any state agency, board or  
13 commission, not including any public postsecondary education institution, is  
14 represented by a special attorney or counsel, the special attorney or counsel shall not  
15 be compensated for such representation on a contingency fee or percentage basis in  
16 the absence of express statutory authority, including R.S. 17:100.10, R.S. 23:1669,  
17 R.S. 37:2153, R.S. 41:724 and 922, R.S. 42:1157.3, R.S. 46:15 and 153.4, and R.S.  
18 47:1512, 1515.3, 1516, 1516.1, and 1676. In retaining a special attorney or counsel,  
19 preference shall be given to private attorneys licensed to practice law in this state and  
20 law firms domiciled and licensed in this state.



- 1           I. To the extent that there is any conflict between the provision of this  
2           Section and the standards that are specified by the secretary of the United States  
3           Department of Health and Human Services, the federal standard shall prevail.
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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 73 Engrossed

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Crews

**Abstract:** Authorizes the La. Department of Health to contract for the administration of the Medicaid estate recovery program and authorizes contingency fee contracts for this function.

Present law requires the La. Department of Health (LDH) to establish an estate recovery program in compliance with federal Medicaid law, 42 U.S.C. 1396p, for the purpose of recovering Medicaid payments made on behalf of individuals from their succession estates.

Proposed law retains present law and authorizes LDH to contract for the administration of the Medicaid estate recovery program through one or more agreements with public or private entities.

Proposed law authorizes LDH, at the discretion of the secretary of the department, to contract on a contingency fee basis for any Medicaid estate recovery function.

Proposed law stipulates that any contract LDH enters into pursuant to proposed law shall require that estate recovery functions be conducted exclusively by attorneys who are licensed by and in good standing with the La. State Bar Association.

(Amends R.S. 42:262(A) and (B) and R.S. 46:153.4(H); Adds R.S. 46:153.4(I))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete the requirement in proposed law that LDH contract for the administration of the Medicaid estate recovery program and instead authorize the department to do so.
2. Stipulate that any contract LDH enters into pursuant to proposed law shall require that estate recovery functions be conducted exclusively by attorneys who are licensed by and in good standing with the La. State Bar Association.
3. Make a technical change.