
DIGEST

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HB 213 Engrossed

2021 Regular Session

Bacala

Abstract: Provides for program integrity in Medicaid eligibility determination functions, Medicaid fraud detection and prevention, and interagency data sharing in furtherance of those purposes.

Proposed law authorizes the secretary of the La. Department of Revenue (LDR) to disclose individual-level state income tax return data to the legislative auditor or the secretary of La. Dept. of Health (LDH) for the following purposes exclusively:

- (1) Ensuring accuracy of Medicaid eligibility determinations.
- (2) Detecting and preventing fraud in the Medicaid program.
- (3) Fulfilling the requirements of present law relative to Medicaid program integrity, R.S. 46:437.1 et seq.

Present law, R.S. 36:254, provides for the powers and duties of the secretary of LDH.

Proposed law retains present law and adds thereto the following duties:

- (1) To take such actions as are necessary to ensure accuracy in Medicaid eligibility determinations.
- (2) To work cooperatively with other state departments and officials, including but not limited to the attorney general, the legislative auditor, and LDR, in detecting and preventing Medicaid fraud and fulfilling all other applicable requirements of present law relative to Medicaid program integrity, R.S. 46:437.1 et seq.

Present law, R.S. 47:1508(A), provides that the records and files of the secretary of LDR are confidential and privileged, and that no person shall divulge or disclose any information obtained from such records and files except as authorized by present law.

Proposed law authorizes the secretary of LDR to disclose individual-level state income tax return data to the legislative auditor or the secretary of LDH for the following purposes exclusively:

- (1) Ensuring accuracy of Medicaid eligibility determinations.

- (2) Detecting and preventing fraud in the Medicaid program.
- (3) Fulfilling the requirements of present law relative to Medicaid program integrity, R.S. 46:437.1 et seq.

Proposed law authorizes the secretary of LDR to enter into any memorandum of understanding, cooperative endeavor, or other type of agreement as may be necessary to facilitate sharing of data with the legislative auditor and the secretary of LDH, respectively, for the purposes set forth in proposed law.

Present law, R.S. 24:513, provides for the powers and duties of the legislative auditor.

Proposed law retains present law and adds thereto an authorization for the legislative auditor to access individual-level state income tax return data, in accordance with proposed law, for the following purposes:

- (1) Ensuring accuracy of Medicaid eligibility determinations.
- (2) Detecting and preventing fraud in the Medicaid program.
- (3) Fulfilling all other applicable requirements of present law relative to Medicaid program integrity, R.S. 46:437.1 et seq.

Proposed law requires that when the legislative auditor examines the records and files of LDR for the purposes of ensuring the accuracy of Medicaid eligibility determinations, exemptions, credits, and rebates, the secretary shall assist the legislative auditor by providing supporting documentation from the taxpayer.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 24:513(Q), R.S. 36:254(A)(6)(c) and (d), and R.S. 47:1508(B)(44) and (D))