

2016 Regular Session

HOUSE BILL NO. 305

BY REPRESENTATIVE NORTON

MEDICAID: Requires that La. Medicaid eligibility standards conform to those established by the Affordable Care Act

1 AN ACT

2 To enact Chapter 8-C of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 46:979.11 through 979.13, relative to the medical assistance program of the  
4 state commonly known as Medicaid; to provide for Medicaid eligibility criteria; to  
5 require state participation in the expansion of Medicaid program eligibility provided  
6 in federal law; to provide for definitions; to provide for legislative findings and  
7 intent; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 8-C of Title 46 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 46:979.11 through 979.13, is hereby enacted to read as follows:

11 CHAPTER 8-C. FEDERALLY PROVIDED

12 MEDICAL ASSISTANCE PROGRAM EXPANSION

13 §979.11. Definitions

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

16 (1) "ACA" and "Affordable Care Act" mean the following acts of congress,  
17 collectively:

18 (a) The Patient Protection and Affordable Care Act (Public Law 111-148).

19 (b) The Health Care and Education Reconciliation Act (Public Law 111-152).

1           (2) "Centers for Medicare and Medicaid Services" means the division of the  
2           United States Department of Health and Human Services which administers and  
3           regulates the Medicaid program.

4           (3) "Department" means the Department of Health and Hospitals.

5           (4) "Medicaid" and "medical assistance program" mean the medical  
6           assistance program provided for in Title XIX of the Social Security Act.

7           (5) "Secretary" means the secretary of the Department of Health and  
8           Hospitals.

9           §979.12. Legislative findings; purpose

10           A. The Legislature of Louisiana hereby finds and declares the following:

11           (1) The Affordable Care Act, referred to hereafter in this Chapter as the  
12           "ACA", sets forth health policy reforms that reshape the way virtually all Americans  
13           receive and finance their health care.

14           (2) In a decision announced on June 28, 2012, the Supreme Court of the  
15           United States in *National Federation of Independent Business Et Al. v. Sebelius,*  
16           *Secretary of Health and Human Services, Et Al.* upheld the overall constitutionality  
17           of the ACA, but also rendered the proposed expansion of Medicaid eligibility  
18           provided in the act as optional for individual states.

19           (3) The Legislative Fiscal Office estimated in 2013 that had Louisiana  
20           implemented Medicaid expansion beginning January 1, 2014, the State General Fund  
21           savings to result from the expansion would have been one hundred six million to one  
22           hundred eleven million dollars per year from 2014 through 2018, totaling five  
23           hundred thirty-two million to five hundred fifty-four million dollars in State General  
24           Fund savings for the period.

25           B. The purposes of this state in expanding Medicaid eligibility to conform  
26           to the standards established by the ACA, as provided in this Chapter, are as follows:

27           (1) To maximize the number of Louisianians who are covered by some form  
28           of health insurance.

1           (2) To provide basic healthcare coverage to working people of this state who  
2           are not offered insurance through their employer and do not earn enough money to  
3           meet basic family needs and pay for private health insurance.

4           (3) To assure health care providers who serve low- to moderate-income  
5           persons of some amount of compensation for the care they provide.

6           §979.13. Expansion of Medicaid eligibility; duties of the secretary of the  
7           Department of Health and Hospitals

8           The secretary of the department shall take all of the following actions in order  
9           to expand Medicaid eligibility standards in accordance with the provisions of the  
10          ACA:

11           (1) File a Medicaid state plan amendment with the Centers for Medicare and  
12           Medicaid Services to provide that eligibility standards for medical assistance  
13           program benefits in Louisiana conform to the minimum eligibility standards as  
14           provided in the ACA.

15           (2) Promulgate all rules and regulations in accordance with the  
16           Administrative Procedure Act as are necessary to implement the provisions of this  
17           Chapter.

18          Section 2. Not later than July 1, 2016, the Department of Health and Hospitals shall  
19          take all of the actions required by R.S. 46:979.13, as enacted by Section 1 of this Act, as are  
20          necessary to expand Medicaid eligibility standards in conformance with the provisions of  
21          Section 1 of this Act.

22          Section 3. This Act shall become effective upon signature by the governor or, if not  
23          signed by the governor, upon expiration of the time for bills to become law without signature  
24          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
25          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
26          effective on the day following such approval.

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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 305 Original

2016 Regular Session

Norton

**Abstract:** Provides for expansion of Louisiana's Medicaid program by requiring that state Medicaid eligibility standards conform to those established by the Affordable Care Act.

Proposed law requires the secretary of the Dept. of Health and Hospitals to take actions on or before July 1, 2016, as are necessary to cause Louisiana's participation in the expansion of the Medicaid program provided in the federal Affordable Care Act (Public Laws 111-148 and 111-152, commonly referred to as the "ACA"). Provides that such actions shall include:

- (1) Filing a Medicaid state plan amendment with the Centers for Medicare and Medicaid Services to cause eligibility standards for Medicaid benefits in Louisiana to conform to the minimum eligibility standards as provided in the ACA.
- (2) Promulgating all rules and regulations as are necessary to expand Medicaid eligibility in accordance with proposed law.

Proposed law declares that the purposes of the state in expanding Medicaid eligibility as provided in proposed law are as follows:

- (1) To maximize the number of Louisianians who are covered by some form of health insurance.
- (2) To provide basic healthcare coverage to working people of this state who are not offered insurance through their employer and do not earn enough money to meet basic family needs and pay for private health insurance.
- (3) To assure health care providers who serve low- to moderate-income persons of some amount of compensation for the care they provide.

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

(Adds R.S. 46:979.11-979.13)