

2016 Regular Session

HOUSE BILL NO. 324

BY REPRESENTATIVE MIKE JOHNSON

MEDICAID: Requires a copayment in the Medicaid program for all nonemergency services provided by a hospital emergency department

1 AN ACT

2 To enact Part XIV of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 46:460.101 through 104, relative to Medicaid copayments; to  
4 require a Medicaid copayment for nonemergency services provided by a hospital  
5 emergency department; to provide for definitions; to establish legislative findings;  
6 to grant rulemaking authority; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part XIV of Chapter 3 of Title 46 of the Louisiana Revised Statutes of  
9 1950, comprised of R.S. 46:460.101 through 460.104, is hereby enacted to read as follows:

10 PART XIV. MEDICAID COST CONTAINMENT

11 §460.101. Definitions

12 As used in this Part, the following terms have the meaning ascribed to them  
13 in this Section unless the context requires otherwise:

14 (1) "Department" means the Department of Health and Hospitals.

15 (2) "Emergency medical condition" means a medical condition manifesting  
16 itself by acute symptoms of sufficient severity, including but not limited to severe  
17 pain, that the absence of immediate medical attention could reasonably be expected  
18 to result in any of the following:

19 (a) Placing the health of the patient in serious jeopardy.

20 (b) Serious impairment to bodily functions.

1           (c) Serious dysfunction of any bodily organ or part.

2           (3) "Emergency department" means an emergency department or emergency  
3 room operated within a hospital facility licensed pursuant to the Hospital Licensing  
4 Law, R.S. 40:2100 et seq.

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

7           (5) "Nonemergency services" means services provided by a hospital  
8 emergency department for the treatment of any medical condition other than an  
9 "emergency medical condition" as defined in this Section.

10       §460.102. Legislative findings

11           The Legislature of Louisiana does hereby find and declare the following:

12           (1) Medicaid constitutes the largest single programmatic item in the budget  
13 of this state.

14           (2) The system of funding for the Medicaid program as currently structured  
15 is unsustainable, and cost containment in this major assistance program is an urgent  
16 priority of this state.

17           (3) It is the intent of the legislature by enactment of this Part to contain  
18 Medicaid program costs while protecting the health of the persons who utilize the  
19 program.

20           (4) Limiting Medicaid coverage of nonemergency services delivered in  
21 hospital emergency departments is a sensible and fiscally responsible policy as it  
22 provides a prudent means of containing Medicaid costs.

23       §460.103. Nonemergency services for Medicaid enrollees at emergency  
24 departments; copayment required

25           A. The department shall establish a copayment requirement in the Medicaid  
26 program for all nonemergency services provided to Medicaid enrollees by a hospital  
27 emergency department, subject to the requirements of Section 1916 of the Social  
28 Security Act and 42 CFR 447.50 et seq.

1           B. The copayment shall be imposed upon all categories of recipients not  
2           excluded from cost sharing requirements by the provisions of Section 1916 of the  
3           Social Security Act.

4           C. The amount of the copayment shall be the maximum nominal amount  
5           allowed pursuant to the provisions of 42 CFR 447.54.  
6           §460.104. Administrative rulemaking

7           The department shall promulgate all rules and regulations in accordance with  
8           the Administrative Procedure Act as are necessary to implement the provisions of  
9           this Part.

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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 324 Original

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Mike Johnson

**Abstract:** Directs the Dept. of Health and Hospitals (DHH) to establish a copayment requirement in the Medicaid program for all nonemergency services provided by a hospital emergency department.

Proposed law directs DHH to promulgate rules and regulations establishing a copayment requirement in the Medicaid program for all nonemergency services provided by a hospital emergency department, subject to federal requirements.

Proposed law defines "department", "emergency medical condition", "emergency department", "Medicaid", and "nonemergency services".

Proposed law requires the copayment to be imposed on all recipients who are not excluded by federal regulation from cost sharing requirements, such as children, pregnant women, and institutionalized individuals.

Proposed law sets the amount of the copayment as the maximum nominal amount permitted by federal regulation, including annual adjustments.

(Adds R.S. 46:101-104)