

2016 Regular Session

HOUSE BILL NO. 492

BY REPRESENTATIVE MCFARLAND

MEDICAID: Authorizes the collection of certain copayments in the medical assistance program

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 460.103, relative to Medicaid copayment
4 requirements; to authorize a copayment for nonemergency services provided by
5 hospital emergency departments; to authorize a copayment for nonpreferred drugs;
6 to set the amount of the copayment; to require implementation by the Department of
7 Health and Hospitals; to provide for definitions; to provide for an effective date; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part XIV of Chapter 3 of Title 46 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 46:460.101 through 460.103, is hereby enacted to read as follows:

12 PART XIV. MEDICAID COST CONTAINMENT

13 §460.101. Definitions

14 As used in this Part, the following terms have the meaning ascribed in this

15 Section:

16 (1) "Federal Medicaid cost sharing regulations" means the regulations
17 contained in 42 C.F.R. §447.50 et seq.

18 (2) "Medicaid" and "medical assistance program" mean the medical
19 assistance program provided for in Title XIX of the Social Security Act.

1 (3) "Nonemergency services" and "emergency medical condition" shall have
2 the same meaning as set forth in the federal Medicaid cost sharing regulations.

3 (4) "Non-preferred drugs" means all drugs other than "preferred drugs" as
4 defined in this Section.

5 (5) "Preferred drugs" shall have the same meaning as set forth in the federal
6 Medicaid cost sharing regulations.

7 §460.102. Copayments; nonemergency services provided by hospital emergency
8 departments

9 A. The Department of Health and Hospitals may establish a copayment
10 requirement in the Louisiana medical assistance program, including in all capitated
11 Medicaid managed care programs, for nonemergency services provided by a hospital
12 emergency department, subject to the requirements of 42 U.S.C. §1396o and 42
13 C.F.R. §447.50 et seq.

14 B. The copayment shall be imposed on all individuals upon whom cost
15 sharing for nonemergency services provided in a hospital emergency department
16 may be imposed under the federal Medicaid cost sharing regulations.

17 C. The amount of the copayment shall not exceed the maximum amount
18 permitted by the federal Medicaid cost sharing regulations, including the annual
19 adjustments of that maximum as provided therein.

20 D. The department shall take all steps necessary to implement this Section
21 including but not limited to the promulgation of rules and regulations in accordance
22 with the Administrative Procedure Act.

23 §460.103. Copayments; nonpreferred drugs

24 A. The Department of Health and Hospitals shall differentiate between
25 preferred and nonpreferred drugs and may establish a copayment requirement in the
26 Louisiana medical assistance program, including in all capitated Medicaid managed
27 care programs, for all nonpreferred drugs, subject to the requirements of 42 U.S.C.
28 §1396o and 42 CFR. §447.50 et seq.

1 B. The copayment shall be imposed on all individuals upon whom cost
2 sharing for nonpreferred drugs may be imposed under the federal Medicaid cost
3 sharing regulations.

4 C. The amount of the copayment shall not exceed the maximum amount
5 permitted by the federal Medicaid cost sharing regulations, including the annual
6 adjustments of that maximum as provided therein.

7 D. The department shall take all steps necessary to implement this Section
8 including but not limited to the promulgation of rules and regulations in accordance
9 with the Administrative Procedure Act.

10 Section 2. This Act shall become effective upon signature by the governor or, if not
11 signed by the governor, upon expiration of the time for bills to become law without signature
12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
14 effective on the day following such approval.

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)]

HB 492 Original

2016 Regular Session

McFarland

Abstract: Authorizes a copayment for nonemergency services provided by hospital emergency departments and for nonpreferred drugs.

Proposed law authorizes the Dept. of Health and Hospitals (DHH) to establish a copyament requirement in the La. medical assistance program, including in all capitated Medicaid managed care programs, for nonemergency services provided by a hospital emergency department, subject to federal requirements.

Proposed law requires DHH to differentiate between preferred and nonpreferred drugs and authorizes the department to establish a copayment requirement for all nonpreferred drugs, subject to federal requirements.

Proposed law requires the copayments to be imposed on all individuals upon whom cost sharing may be imposed under federal regulations and sets the amount of the copayment as the maximum amount permitted by federal regulations.

Proposed law requires to take all steps necessary to implement proposed law.

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

(Adds R.S. 46:460.101-460.103)