

2017 Regular Session

HOUSE BILL NO. 690 (Substitute for House Bill No. 586 by Representative Hunter)

BY REPRESENTATIVE HUNTER

HEALTH CARE: Requires adoption of administrative rules relative to continuity of patient care for certain publicly funded healthcare facilities and providers

1 AN ACT

2 To enact R.S. 40:1186.1 and 1186.2 and R.S. 46:460.53, relative to continuity of care for  
3 persons receiving certain publicly funded healthcare services; to provide relative to  
4 care of patients served by federally qualified health centers, rural health clinics, and  
5 Medicaid managed care organizations; to require the Louisiana Department of Health  
6 to promulgate administrative rules providing for continuity of care; to require  
7 initiation of rulemaking by a certain date; to provide for redesignation and  
8 organization of certain laws; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1186.1 and 1186.2 are hereby enacted to read as follows:

11 §1186.1. Definitions

12 As used in this Subpart, the following terms have the meaning ascribed in this

13 Section:

14 (1) "Department" means the Louisiana Department of Health.

15 (2) "Federally qualified health center" has the meaning ascribed in R.S.

16 40:1185.3.

17 (3) "Rural health clinic" has the meaning ascribed in R.S. 40:1185.3.

18 (4) "Secretary" means the secretary of the Louisiana Department of Health.

1        §1186.2. Federally qualified health centers and rural health clinics; continuity of  
2                    patient care; administrative rules

3                    A.(1) The secretary of the department shall require through administrative  
4                    rules that each federally qualified health center and rural health clinic which operates  
5                    a healthcare facility in this state establish policies and procedures for care  
6                    coordination and continuity of care for patients in the event that the health center or  
7                    clinic, or any facility thereof, anticipates a temporary or permanent closure.

8                    (2) At minimum, the administrative rules provided for in this Section shall  
9                    require that a federally qualified health center or rural health clinic which anticipates  
10                   a temporary or permanent closure of any of its facilities report the impending closure  
11                   to the secretary as soon as is practicable following the decision by the governing  
12                   board of the health center or clinic to implement the closure.

13                   B. The department shall promulgate all rules and regulations in accordance  
14                   with the Administrative Procedure Act as may be necessary to implement the  
15                   provisions of this Subpart.

16        Section 2. R.S. 46:460.53 is hereby enacted to read as follows:

17        §460.53. Care coordination and continuity; administrative rules

18                   A.(1) The secretary of the department shall require through administrative  
19                   rules that each managed care organization implement policies and procedures for  
20                   care coordination and continuity of care for enrollees.

21                   (2) At minimum, the administrative rules provided for in this Section shall  
22                   require that such policies and procedures include provisions to ensure that each  
23                   enrollee has an ongoing source of preventive and primary care appropriate to his  
24                   needs.

25                   B. The secretary of the department may establish, through administrative  
26                   rules, procedures for any of the following:

27                   (1) Assisting an enrollee receiving treatment for chronic or acute medical  
28                   conditions, or for behavioral health conditions, in transitioning to another provider

1        when the enrollee's healthcare provider has terminated participation with the  
2        managed care organization.

3                (2) Providing written notice of the termination of participation with a  
4        managed care organization by a provider to each enrollee who received his primary  
5        care from or was seen on a regular basis by the provider.

6                B. The department shall promulgate all rules and regulations in accordance  
7        with the Administrative Procedure Act as may be necessary to implement the  
8        provisions of this Section.

9        Section 3.(A) The secretary of the Louisiana Department of Health shall initiate the  
10       promulgation of rules required by the provisions of Sections 1 and 2 of this Act through the  
11       notice of intent process provided for in R.S. 49:953(A) on or before September 20, 2017.

12                (B) Prior to publishing a notice of intent in the Louisiana Register for any rule  
13       required by the provisions of this Act, the secretary of the Louisiana Department of Health  
14       shall cause the notice to be transmitted to each member of the House Committee on Health  
15       and Welfare and the Senate Committee on Health and Welfare.

16                Section 4.(A) The Louisiana State Law Institute is hereby directed to change the  
17       heading of Part II of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised  
18       Statutes of 1950 to "Federally Qualified Health Centers and Rural Health Clinics", and to  
19       redesignate to this Part R.S. 40:1183.1 through 1186.2, as more specifically provided in this  
20       Section.

21                (B) The Louisiana State Law Institute is hereby directed to redesignate Part II of  
22       Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950,  
23       comprised of R.S. 40:1183.1 through 1183.4, as Subpart A of Part II of Chapter 5-D of Title  
24       40 of the Louisiana Revised Statutes of 1950, and to entitle the Subpart "Federally Qualified  
25       Health Center Preservation Act".

26                (C) The Louisiana State Law Institute is hereby directed to redesignate Part III of  
27       Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950,  
28       comprised of R.S. 40:1185.1 through 1185.6, as Subpart B of Part II of Chapter 5-D of Title

1 40 of the Louisiana Revised Statutes of 1950, and to entitle the Subpart "Federally Qualified  
2 Health Center and Rural Health Clinic Expansion".

3 (D) The Louisiana State Law Institute is hereby directed to designate R.S. 40:1186.1  
4 and 1186.2, as enacted by Section 1 of this Act, as Subpart C of Part II of Subchapter B of  
5 Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, and to entitle the Subpart  
6 "Continuity of Patient Care".

7 Section 5. The Louisiana State Law Institute is hereby directed to change references  
8 to Parts of law in R.S. 40:1183.1, 1183.2(B), 1183.3(introductory paragraph), 1185.1, 1185.3  
9 (introductory paragraph), and 1185.5, and in any other provision of law as may be necessary  
10 to reflect the new Part and Subpart designations provided for in this Section.

#### 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 690 Engrossed

2017 Regular Session

Hunter

**Abstract:** Requires administrative rulemaking by the La. Dept. of Health to provide for continuity of care for persons receiving publicly funded healthcare services through federally qualified health centers, rural health clinics, and the Medicaid managed care program.

Proposed law applies to the following healthcare providers:

- (1) Federally qualified health centers (FQHCs).
- (2) Rural health clinics.
- (3) Medicaid managed care organizations (MCOs).

Proposed law requires the La. Dept. of Health (LDH) to provide through administrative rulemaking for care coordination and continuity of care for patients in the event that an FQHC or rural health clinic closes.

Proposed law requires LDH to provide through administrative rulemaking that each Medicaid MCO implement policies and procedures for care coordination and continuity of care for enrollees. Provides that, at minimum, the rules shall require that such policies and procedures include provisions to ensure that each enrollee has an ongoing source of preventive and primary care appropriate to his needs.

Proposed law authorizes LDH to establish, through administrative rules, procedures for any of the following:

- (1) Assisting an enrollee receiving treatment for chronic or acute medical conditions, or for behavioral health conditions, in transitioning to another provider when the

enrollee's healthcare provider has terminated participation with the managed care organization.

- (2) Providing written notice of the termination of participation with a managed care organization by a provider to each enrollee who received his primary care from or was seen on a regular basis by the provider.

Proposed law requires the secretary of LDH to initiate the promulgation of rules required by proposed law through the notice of intent process provided for in present law (R.S. 49:953(A)) on or before Sept. 20, 2017.

Proposed law stipulates that prior to publishing a notice of intent for any rule required by proposed law, the secretary of LDH shall cause the notice to be transmitted to each member of the legislative committees on health and welfare.

Proposed law provides for redesignation and organization by the La. State Law Institute of certain segments of present law and proposed law relative to FQHCs and rural health clinics.

(Adds R.S. 40:1186.1 and 1186.2 and R.S. 46:460.53)