

ACT No. 675

2016 Regular Session

HOUSE BILL NO. 922

BY REPRESENTATIVE HENSGENS

1 AN ACT

2 To amend and reenact R.S. 46:2623 and 2625(A)(1)(introductory paragraph) and (a) and
3 to repeal R.S. 46:2625(B), relative to fees on healthcare providers deposited into the
4 Medical Assistance Trust Fund; to revise the fee amount for nursing homes; to repeal
5 a prohibition on new fees or increased fees on nursing homes without a majority vote
6 of approval by the legislature; to provide for management of the fund by the treasury;
7 to provide for appropriation from the fund; to provide for reporting; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:2623 and 2625(A)(1)(introductory paragraph) and (a) are hereby
11 amended and reenacted to read as follows:

12 §2623. Louisiana Medical Assistance Trust Fund

13 A. There is hereby established as a special fund in the state treasury the
14 Louisiana Medical Assistance Trust Fund, hereinafter referred to as the "fund",
15 which shall consist of monies generated by the provider fees on healthcare services
16 collected and authorized for deposit into the fund as provided by law and any other
17 monies which may be provided by law. ~~the fees on providers of health care services~~
18 ~~collected under the authority of R.S. 46:2625. The monies in the fund shall be~~
19 ~~available for appropriation by the legislature to the Medicaid program solely as~~
20 ~~provided for in Subsection C of this Section.~~ The monies in the fund shall be
21 invested by the state treasurer in the same manner as monies in the state general
22 fund. All interest earned from the investment of monies in the fund shall be
23 deposited in and remain to the credit of the fund and allocated to each separate

1 account on a pro-rata basis. All unexpended and unencumbered monies remaining
2 in the separate accounts of the fund at the close of each fiscal year shall remain in the
3 separate accounts of the fund.

4 ~~B.(1) Within the fund there shall be segregated sub-accounts, one for each~~
5 ~~health care provider group that pays fees pursuant to R.S. 46:2625. Monies collected~~
6 ~~from each health care provider group shall accrue to the sub-account of that health~~
7 ~~care provider group. The state treasurer shall establish a separate account within the~~
8 ~~fund for each healthcare provider group in which provider fees are collected and~~
9 ~~deposited into the fund in accordance with law. Any monies deposited into the fund~~
10 ~~from other sources, and the interest earned on those monies, shall be deposited into~~
11 ~~a separate account within the fund, hereafter referred to as the "general account".~~

12 ~~(2) Monies shall be allocated, with accompanying federal matching money,~~
13 ~~to each of the health care provider groups in proportion to the amount of fees~~
14 ~~collected in each sub-account, based upon fees established by the Department of~~
15 ~~Health and Hospitals pursuant to R.S. 46:2625. Such allocation shall be calculated~~
16 ~~using collections data from the most recent four quarters for which data is available~~
17 ~~prior to the state fiscal year for which the allocation will be made. The state treasurer~~
18 ~~shall deposit monies collected from each provider group's provider fees into the~~
19 ~~account created for that provider group based upon actual collections of the provider~~
20 ~~fees.~~

21 ~~(3) The monies, including interest earnings, in each separate account shall~~
22 ~~be appropriated by the legislature to the Medicaid program solely as provided in~~
23 ~~Subsection C of this Section.~~

24 ~~C.(1) Notwithstanding any other provisions of this Chapter, the legislature~~
25 ~~shall be authorized to appropriate as state funds to the department for use in any~~
26 ~~fiscal year, all revenues dedicated and deposited into each segregated sub-account.~~
27 ~~Such appropriations shall be made for the sole purpose to obtain federal financial~~
28 ~~participation in the provision of support to health care provider groups listed in R.S.~~
29 ~~46:2625. Any appropriation from the segregated sub-accounts for any purpose other~~
30 ~~than medical assistance payments to health care provider groups listed in R.S.~~

1 ~~46:2625 shall be void.~~ The legislature is authorized to appropriate monies from the
 2 separate accounts only if the appropriation is eligible for federal financial
 3 participation under Title XIX of the Social Security Act, or its successor, except
 4 monies deposited into the general account may be appropriated for any Medicaid
 5 program expenditure.

6 (2) ~~Appropriations from monies generated by health care provider group~~
 7 ~~fees, including federal financial participation on those fees shall be expended as~~
 8 ~~follows: for the fiscal year commencing July 1, 2013, and fiscal years thereafter, all~~
 9 ~~of such appropriations in each sub-account shall be used for the purpose of Medicaid~~
 10 ~~reimbursement payments to the health care provider groups generating those fees~~
 11 ~~listed in R.S. 46:2625.~~ The Department of Health and Hospitals, or its successor,
 12 shall expend monies deposited into each account only for the reimbursement of
 13 services to the provider group that paid the fee into the account in any fiscal year,
 14 except the general account may be expended for any Medicaid program expenditure.
 15 Any expenditure from the separate accounts for any purpose other than medical
 16 assistance payments for the providers paying the fee shall be void.

17 D. The monies in the fund shall not be used to displace, replace, or supplant
 18 appropriations from the state general fund for the Medicaid program below the
 19 amount of state general fund appropriations to the agency for the 2012-2013 Fiscal
 20 Year.

21 E. ~~The state treasurer shall report the status of the fund and its sub-accounts~~
 22 ~~at least quarterly to the secretary of the Department of Health and Hospitals and the~~
 23 ~~Joint Legislative Committee on the Budget.~~ (1) The state treasurer shall report the
 24 status and utilization of the fund and the separate accounts quarterly to the secretary
 25 of the Department of Health and Hospitals, or its successor, and the Joint Legislative
 26 Committee on the Budget.

27 (2) The Department of Health and Hospitals, or its successor, shall report on
 28 the expenditure of funds out of each separate account that comprises the fund
 29 quarterly to the Joint Legislative Committee on the Budget.

30 * * *

1 §2625. Fees on ~~health care~~ healthcare providers; disposition of fees

2 A.(1) The Department of Health and Hospitals is hereby authorized to adopt
3 and impose fees for ~~health care~~ healthcare services provided by the Medicaid
4 program on every nursing facility, every intermediate care facility for people with
5 developmental disabilities, every pharmacy in the state of Louisiana and certain out-
6 of-state pharmacies, dispensing physicians, and medical transportation providers.
7 The amount of any fee shall not exceed the total cost to the state of providing the
8 ~~health care~~ healthcare service subject to such fee. In addition, the amount of the fees
9 imposed under the rules and regulations adopted shall not exceed the following:

10 (a) ~~Ten dollars per occupied bed per day for nursing facilities. For nursing~~
11 facilities, the percentage of net patient service revenues permitted by federal
12 regulation pursuant to 42 CFR 433.68 as determined by the department on a per
13 occupied bed per day basis.

14 * * *

15 Section 2. R.S. 46:2625(B) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____