

2021 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 118

BY REPRESENTATIVE CREWS

MEDICAID: Authorizes and directs the La. Department of Health to report to certain legislative committees data relating to Medicaid estate recovery cases

1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana Department of Health to report certain data relating
3 to Medicaid estate recovery cases to the House Committee on Appropriations, the
4 Senate Committee on Finance, and the legislative committees on health and welfare.

5 WHEREAS, Medicaid is the largest source of funding for institutional long-term care
6 in this state and in the nation; and

7 WHEREAS, many persons who need long-term care may qualify for Medicaid
8 assistance despite owning assets such as a home; and

9 WHEREAS, federal Medicaid law requires states to establish estate recovery
10 programs in accordance with 42 U.S.C. 1396p for recovering benefits paid through Medicaid
11 for any person's institutional long-term care after the death of that person; and

12 WHEREAS, Louisiana law, R.S. 46:153.4, requires the Louisiana Department of
13 Health to establish an estate recovery program in compliance with federal Medicaid law for
14 the purpose of recovering Medicaid payments made on behalf of individuals from their
15 succession estates; and

16 WHEREAS, this state's Medicaid estate recovery law prohibits recovery on the first
17 fifteen thousand dollars or one-half the median value of the homestead in each parish,
18 whichever is higher, making our estate recovery program one of the most generous in the
19 nation; and

20 WHEREAS, on average, over the past decade, the Louisiana Department of Health
21 has collected through Medicaid estate recovery less than five hundred thousand dollars

1 annually; this figure represents a small fraction of the monies that the state is authorized by
2 law to recover for benefits paid through its Medicaid-financed institutional long-term care
3 program which now expends over one billion dollars annually for nursing home care for over
4 twenty thousand Louisiana citizens; and

5 WHEREAS, it is essential for the legislature to obtain key data relating to Medicaid
6 estate recovery in order to inform changes in public policy to enhance the effectiveness of
7 this program.

8 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
9 authorize and direct the Louisiana Department of Health to report to the House Committee
10 on Appropriations, the Senate Committee on Finance, the House Committee on Health and
11 Welfare, and the Senate Committee on Health and Welfare, on or before December 1, 2021,
12 all of the data and information specified hereafter in this Resolution.

13 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall report
14 to the legislative committees designated in this Resolution all of the following data and
15 information relating to each Medicaid enrollee who died in calendar year 2016, 2017, 2018,
16 2019, or 2020 and whose succession estate was subject to the estate recovery program
17 provided for in R.S. 46:153.4:

18 (1) The total cost to the Louisiana Medicaid program of the long-term care that the
19 decedent received.

20 (2) The value of the decedent's succession estate.

21 (3) The maximum dollar amount that the department is authorized to recover from
22 the decedent's succession estate.

23 (4) Whether or not the department opened a Medicaid estate recovery case to recover
24 from the decedent's estate.

25 (5) If the department pursued recovery from the decedent's estate, all of the
26 following information:

27 (a) The amount recovered.

28 (b) The exemptions granted in connection with the estate recovery case, if any, and
29 the total dollar value of those exemptions.

1 BE IT FURTHER RESOLVED that in addition to reporting the individual-level case
2 data required by the preceding section of this Resolution, the Louisiana Department of
3 Health shall aggregate all such data into quintiles by total cost to the Louisiana Medicaid
4 program of the long-term care that decedents received and shall report to the legislative
5 committees designated herein all of the following data associated with each quintile:

6 (1) The total cost to the Louisiana Medicaid program of the long-term care that the
7 cohort of decedents in the quintile received.

8 (2) The maximum dollar amount that the department is authorized to recover from
9 the succession estates, collectively, of the cohort of decedents in the quintile.

10 (3) The total dollar amount recovered by the Medicaid estate recovery program from
11 the succession estates of the cohort of decedents in the quintile.

12 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall ensure
13 that all individual-level case data required by this Resolution is de-identified prior to
14 reporting the data to the legislative committees designated herein.

15 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
16 secretary of the Louisiana Department of Health.

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)]

HCR 118 Original

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Crews

Authorize and directs the La. Department of Health to report certain data relating to Medicaid estate recovery cases to the House Committee on Appropriations, the Senate Committee on Finance, and the legislative committees on health and welfare on or before Dec. 1, 2021.