

2015 Regular Session

SENATE BILL NO. 40

BY SENATOR NEVERS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH CARE. Requires the Department of Health and Hospitals provide health care coverage with essential health benefits to every legal Louisiana resident whose household income is at or below 138% of the federal poverty level. (8/1/15)

1 AN ACT

2 To enact Chapter 8-C of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised

3 of R.S. 46:980.1, relative to health care coverage with essential health benefits; to

4 provide for funding of the program; to provide for possible elements of the program;

5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 8-C of Title 46 of the Louisiana Revised Statutes of 1950,

8 comprised of R.S. 46:980.1, is hereby enacted to read as follows:

9 **CHAPTER 8-C. HEALTH CARE COVERAGE WITH**

10 **ESSENTIAL HEALTH BENEFITS**

11 **§ 980.1. Health care coverage with essential health benefits; program options;**

12 **funding**

13 **A.(1) Beginning no later than January 1, 2016, every legal Louisiana**

14 **resident whose household income is at or below one hundred thirty-eight**

15 **percent of the federal poverty level shall have health care coverage with**

16 **essential health benefits, and the Department of Health and Hospitals shall**

17 **administer a state program which makes available to every legal resident of this**

1 state whose household income is at or below one hundred thirty-eight percent  
 2 of the federal poverty level access to health care coverage with essential health  
 3 benefits, as provided by federal law and applicable rules and regulations.

4 (2) The department shall make all necessary state Medicaid plan  
 5 amendments or waiver applications to the federal government in order to access  
 6 all federal funding available for the provision of health care services, including  
 7 but not limited to funds available through The Patient Protection and  
 8 Affordable Care Act, Public Law 111-148, and The Health Care and Education  
 9 Reconciliation Act, Public Law 111-152, or any successors to these Acts.

10 (3) The department, through federally-approved state Medicaid plan  
 11 amendments or waiver applications, may consider requirements such as the use  
 12 of participant required premiums, participant required copayments,  
 13 participant required health accounts, and cost sharing for nonemergency use  
 14 of an emergency department.

15 B. The legislature shall annually appropriate the state and federal  
 16 revenues necessary to fund this program to provide health care coverage for  
 17 this eligible population, except that, if total funding to operate this state  
 18 program is comprised of less than ninety percent federal funds, the legislature  
 19 shall have the authority to decide whether to continue the program. The state  
 20 general fund shall not be used to pay for the state's responsibility of the  
 21 program required pursuant to this Section.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

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SB 40 Original

DIGEST  
2015 Regular Session

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Proposed law requires beginning no later than January 1, 2016, every legal Louisiana resident whose household income is at or below 138 percent of the federal poverty level shall have health care coverage with essential health benefits, and the Department of Health and Hospitals (DHH) shall administer a state program which makes available to every legal resident of this state whose household income is at or below 138 percent of the federal poverty level access to health care coverage with essential health benefits, as provided by federal law and applicable rules and regulations.

Proposed law requires DHH make all necessary state Medicaid plan amendments or waiver

applications to the federal government in order to access all federal funding available for the provision of health care services, including but not limited to funds available through federal law.

Proposed law provides DHH, through federally-approved state Medicaid plan amendments or waiver applications, may consider requirements such as the use of participant required premiums, participant required copayments, participant required health accounts, and cost sharing for nonemergency use of an emergency department.

Proposed law provides the legislature annually appropriate the state and federal revenues necessary to fund the program to provide health care coverage for this eligible population, except that, if total funding to operate this state program is comprised of less than 90 percent federal funds, the legislature has the authority to decide whether to continue the program. The state general fund shall not be used to pay for the state's responsibility of the program required pursuant to this Section.

Effective August 1, 2015.

(Adds R.S. 46:980.1)