

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.

19 §1186.2. Federally qualified health centers and rural health clinics; continuity of
20 patient care; administrative rules

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

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

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

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

15 §460.53. Care coordination and continuity; administrative rules

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

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

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

25 (1) Assisting an enrollee receiving treatment for chronic or acute medical
26 conditions, or for behavioral health conditions, in transitioning to another provider
27 when the enrollee's healthcare provider has terminated participation with the
28 managed care organization.

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

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

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

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

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

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

24 (C) The Louisiana State Law Institute is hereby directed to redesignate Part III of
25 Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950,
26 comprised of R.S. 40:1185.1 through 1185.6, as Subpart B of Part II of Chapter 5-D of Title
27 40 of the Louisiana Revised Statutes of 1950, and to entitle the Subpart "Federally Qualified
28 Health Center and Rural Health Clinic Expansion".

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

5 Section 5. The Louisiana State Law Institute is hereby directed to change references
6 to Parts of law in R.S. 40:1183.1, 1183.2(B), 1183.3(introductory paragraph), 1185.1, 1185.3
7 (introductory paragraph), and 1185.5, and in any other provision of law as may be necessary
8 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 Original

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)