

1 WHEREAS, Louisiana's law providing for Medicaid estate recovery prohibits
2 recovery on the first fifteen thousand dollars or one-half the median value of the homestead
3 in each parish, whichever is higher, making our estate recovery program one of the most
4 generous in the nation; and

5 WHEREAS, in the ten state fiscal years from 2007-2008 through 2016-2017, the
6 average annual amount that Louisiana's Medicaid program collected through estate recovery
7 was less than five hundred thirty thousand dollars, with the lowest annual figure of two
8 hundred eighty-eight thousand dollars recovered occurring in fiscal year 2015-2016; and

9 WHEREAS, these figures represent a small fraction of the monies that the state is
10 authorized by law to recover for benefits paid through its Medicaid-financed institutional
11 long-term care program which now expends over one billion dollars annually for nursing
12 home care for over thirty thousand Louisiana citizens; and

13 WHEREAS, it is in the best interest of this state, as a matter of both fiscal policy and
14 public health policy, to better avail itself of existing laws authorizing and providing for
15 Medicaid estate recovery.

16 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
17 urge and request the Louisiana Department of Health to study means by which to improve
18 its Medicaid estate recovery functions.

19 BE IT FURTHER RESOLVED that the study called for in this Resolution shall
20 include, but not be limited to, an examination of all of the following:

21 (1) Means by which to increase recovery amounts in a cost-neutral manner utilizing
22 existing staff and departmental resources.

23 (2) Benefits of wider usage of Medicaid liens authorized through the federal Tax
24 Equity and Fiscal Responsibility Act, known commonly as "TEFRA liens".

25 (3) Administrative actions, including amendments to the Medicaid state plan
26 established in accordance with Title XIX of the Social Security Act, or legislation necessary
27 to institute greater use of TEFRA liens in Medicaid long-term care programs.

28 (4) The potential establishment of a new data system or improvements in existing
29 data systems which could facilitate easier identification of assets subject to recovery.

1 (5) The potential utilization of public or private vendors to assist the department in
2 recovery efforts.

3 BE IT FURTHER RESOLVED that the Louisiana Department of Health shall issue
4 findings and recommendations from the study called for in this Resolution in the form of a
5 report to the House Committee on Appropriations, the Senate Committee on Finance, the
6 House Committee on Health and Welfare, and the Senate Committee on Health and Welfare
7 no later than sixty days prior to the convening of the 2019 Regular Session of the Legislature
8 of Louisiana.

9 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
10 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)]

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2018 Regular Session

Gregory Miller

Request the La. Department of Health to study means by which to improve its Medicaid estate recovery functions, and to report findings of the study to the House Committee on Appropriations, the Senate Committee on Finance, and the legislative committees on health and welfare.