

HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Substitute for Original House Bill No. 186 by Representative Bacala as proposed by the House Committee on Health and Welfare

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact R.S. 36:254(D)(2)(e) and (f) and 460 and R.S. 46:236.1.1(17) and 236.9.1, relative to interagency agreements between departments of the executive branch of state government concerning certain public assistance programs; to provide relative to administration by the Louisiana Department of Health of the medical assistance program of this state known as Medicaid; to provide relative to administration by the Department of Children and Family Services of the child support enforcement program of this state; to require the Louisiana Department of Health and the Department of Revenue to enter into agreements to carry out certain Medicaid program integrity functions; to require the Louisiana Department of Health and the Department of Children and Family Services to enter into agreements concerning the use of certain cash medical support payments to offset Medicaid costs; to provide specifications for the content of such interagency agreements; to provide for incentive payments from the Louisiana Department of Health to the Department of Children and Family Services for certain purposes; to provide relative to interagency data sharing; to provide for reporting to the legislature; to provide for construction of certain laws; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:254(D)(2)(e) and (f) and 460 are hereby enacted to read as follows:

§254. Powers and duties of the secretary of the Louisiana Department of Health

* * *

D.

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CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

(2) Except as otherwise limited by a specific provision of law, the secretary is authorized to perform all of the following relative to or concerning the Medical Assistance Program:

* * *

(e) Cause the department to enter into memoranda of understanding, cooperative endeavors, or other type of agreements with the Department of Revenue for the program integrity functions provided for in R.S. 36:460.

(f) Cause the department to enter into memoranda of understanding, cooperative endeavors, or other type of agreements with the Department of Children and Family Services for the interagency incentive program provided for in R.S. 46:236.9.1.

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§460. Department of Revenue; interagency agreements for Medicaid program integrity; reporting

A. Unless prohibited by regulations or policies of the Centers for Medicare and Medicaid Services or any other federal regulation or law, the Department of Revenue and the Louisiana Department of Health shall annually enter into a memorandum of understanding, cooperative endeavor, or other type of agreement for Medicaid program integrity functions that conform with the requirements and specifications provided in this Section.

B. The agreements provided for in this Section shall require the Louisiana Department of Health to furnish to the Department of Revenue identifying information of all of the following persons:

(1) Each person under the age of nineteen years who is enrolled in the Medicaid program of this state.

(2) Each adult who is enrolled in the Medicaid program of this state and whose Medicaid application indicates that any child or children under the age of nineteen years live with him.

C.(1) The Department of Revenue shall examine income tax returns to identify any Medicaid-enrolled child who is claimed as a dependent by someone

other than an adult whose home the child lives in according to the child's Medicaid application.

(2) Unless prohibited by the Internal Revenue Code or any other federal law or regulation, the Department of Revenue shall identify to the Louisiana Department of Health each child identified in accordance with Paragraph (1) of this Subsection.

D. Each agreement that the Department of Revenue and Louisiana Department of Health enter into pursuant to this Section shall set forth standards and protocols for the transfer of data required by Subsections B and C of this Section.

E. On or before January 1, 2022, and annually thereafter, the Department of Revenue shall report to the legislature the number of children enrolled in Medicaid who are claimed as dependents on tax returns by persons other than an adult whose home the child lives in according to the child's Medicaid application. The report required by the provisions of this Subsection shall consist of statistical information exclusively and contain no identifying information of any individual.

Section 2. R.S. 46:236.1.1(17) and 236.9.1 are hereby enacted to read as follows:

§236.1.1. Family and child support programs; definitions

For the purposes of this Subpart, the following items shall mean:

* * *

(17) "Medicaid" means the medical assistance program provided for in Title XIX of the Social Security Act.

* * *

§236.9.1. Cash medical support payments to offset Medicaid costs; interagency incentive program

A. The Department of Children and Family Services and the Louisiana Department of Health shall enter into a memorandum of understanding, cooperative endeavor, or other type of agreement as may be necessary to implement a program wherein payments collected under the authority of this Subpart are used to offset state and federal Medicaid costs. The agreement may be for any term that the secretaries of the two departments mutually determine, and, at its expiration, shall be renewed inclusive of any revisions that the secretaries of the two departments

mutually determine. The program provided for in the agreement shall conform with the requirements and specifications provided in this Section.

B.(1) With respect to cash medical support payments collected pursuant to R.S. 46:236.1.2(L) from any noncustodial parent of a child or children enrolled in the state Medicaid program, the Department of Children and Family Services shall determine the maximum amount of such payments that may be remitted to the Louisiana Department of Health for the purpose of offsetting the state and federal share of Medicaid program costs for all Medicaid-enrolled children of the noncustodial parent.

(2) Each agreement required by Subsection A of this Section shall provide for remittance by the Department of Children and Family Services to the Louisiana Department of Health, in connection with the case of each noncustodial parent of a child or children enrolled in the state Medicaid program, of either of the following amounts:

(a) The maximum amount of cash medical support payments as determined in accordance with Paragraph (1) of this Subsection if the amount is less than the state and federal share of Medicaid program costs for all Medicaid-enrolled children of the noncustodial parent.

(b) An amount equal to the state and federal share of Medicaid program costs for all Medicaid-enrolled children of the noncustodial parent.

C.(1) Each agreement required by Subsection A of this Section shall provide for an incentive payment to be made at least annually by the Louisiana Department of Health to the Department of Children and Family Services in an amount that does not exceed fifteen percent of the total of remittances made under the prior agreement, in accordance with Paragraph (B)(2) of this Section, to offset Medicaid costs.

(2) Any payment by the Louisiana Department of Health to the Department of Children and Family Services made pursuant to Paragraph (1) of this Subsection shall be made from the federal share of the amount collected in accordance with 42 U.S.C. 1396b(p)(1) and 42 CFR 433.153.

D. Nothing in this Section shall be construed to require or authorize a reduction in child support to any child. The Department of Children and Family Services shall implement the provisions of this Section in a manner that does not diminish the support available to any child through the provisions of this Subpart.

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 Draft

2021 Regular Session

Abstract: Requires interagency agreements between the La. Dept. of Health and the Dept. of Revenue, and between the La. Dept. of Health and the Dept. of Children and Family Services, relative to administration of the Medicaid and child support enforcement programs.

Present law provides for powers and duties of the secretary of the La. Dept. of Health (LDH). Proposed law retains present law and adds thereto requirements that the secretary of LDH cause the department to enter into the agreements with the Dept. of Revenue (LDR) and the Dept. of Children and Family Services (DCFS) provided for in proposed law.

Proposed law requires LDR and LDH to enter into memoranda of understanding, cooperative endeavors, or other types of agreements for Medicaid program integrity functions that conform with the requirements of proposed law unless prohibited by regulations or policies of the federal Medicaid agency or any other federal regulation or law.

Proposed law stipulates that the agreements between LDR and LDH shall require LDH to furnish to LDR identifying information of all of the following persons:

- (1) Each person under the age of 19 years who is enrolled in the Medicaid program of this state.
- (2) Each adult who is enrolled in the Medicaid program of this state and whose Medicaid application indicates that any child or children under the age of 19 years live with him.

Proposed law requires LDR to examine income tax returns to identify any Medicaid-enrolled child who is claimed as a dependent by someone other than an adult whose home the child lives in according to the child's Medicaid application. Requires further that, unless prohibited by the Internal Revenue Code or any other federal law or regulation, LDR shall identify to LDH each child so identified.

Proposed law provides that each agreement that LDR and LDH enter into pursuant to proposed law shall set forth standards and protocols for the transfer of data required by proposed law.

Proposed law requires that on or before Jan. 1, 2022, and annually thereafter, LDR shall report to the legislature the number of children enrolled in Medicaid who are claimed as dependents on tax returns by persons other than an adult whose home the child lives in according to the child's Medicaid application. Requires that the report consist of statistical information exclusively and contain no identifying information of any individual.

Proposed law requires DCFS and LDH to enter into a memorandum of understanding, cooperative endeavor, or other type of agreement as may be necessary to implement a program wherein cash medical support payments collected under the authority of proposed law are used to offset state and federal Medicaid costs. Provides that the agreement may be for any term that the secretaries of the two departments mutually determine, and, at its expiration, shall be renewed inclusive of any revisions that the secretaries of the two departments mutually determine. Stipulates that the program provided for in the agreement shall conform with the requirements and specifications provided in proposed law.

Proposed law provides that, with respect to cash medical support payments collected pursuant to present law from any noncustodial parent of a child or children enrolled in the state Medicaid program, DCFS shall determine the maximum amount of such payments that may be remitted to LDH for the purpose of offsetting the state and federal share of Medicaid program costs for all Medicaid-enrolled children of the noncustodial parent.

Proposed law provides that the agreements between DCFS and LDH required by proposed law shall provide for remittance by DCFS to LDH, in connection with the case of each noncustodial parent of a child or children enrolled in the state Medicaid program, of either of the following amounts:

- (1) The maximum amount of cash medical support payments determined in accordance with proposed law if the amount is less than the state and federal share of Medicaid program costs for all Medicaid-enrolled children of the noncustodial parent.
- (2) An amount equal to the state and federal share of Medicaid program costs for all Medicaid-enrolled children of the noncustodial parent.

Proposed law provides that each agreement between DCFS and LDH required by proposed law shall provide for incentive payments by LDH to DCFS in an amount that does not exceed 15% of the total of remittances made under the prior agreement to offset Medicaid costs.

Proposed law stipulates that any payment by LDH to DCFS remitted pursuant to proposed law shall be made from the federal share of the amount collected in accordance with federal law and regulations (42 U.S.C. 1396b(p)(1) and 42 CFR 433.153).

Proposed law provides that nothing therein shall be construed to require or authorize a reduction in child support to any child. Requires DCFS to implement the provisions of proposed law in a manner that does not diminish the support available to any child through the provisions of present law.

(Adds R.S. 36:254(D)(2)(e) and (f) and 460 and R.S. 46:236.1.1(17) and 236.9.1)