

2022 Regular Session

SENATE BILL NO. 296

BY SENATOR BARROW

MEDICAID. Provides relative to reimbursement for pharmacist clinical services in Louisiana's Medicaid program. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 40:1183.3(3), 1185.3(2) and (3), and 2197(D), and to enact R.S.
3 46:460.37, relative to pharmacists; to provide for definitions; to provide relative to
4 pharmacist clinical services; to provide relative to reimbursement for pharmacist
5 clinical services in the Medicaid program; to provide for an effective date; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1183.3(3), 1185.3(2) and (3), and 2197(D) are hereby amended
9 and reenacted to read as follows:

10 §1183.3. Definitions

11 As used in this Part:

12 * * *

13 (3) "FQHC" means a facility which is engaged in furnishing primary health
14 services to outpatients by physicians, physician assistants, ~~or~~ nurse practitioners, or
15 pharmacists, including but not limited to health services related to family medicine,
16 internal medicine, pediatrics, obstetrics, and gynecology and ~~such~~ any services and
17 supplies incident thereto. Such a facility shall serve a medically underserved

1 population, meaning the population of an urban or rural area designated by the
 2 secretary of the Department of Health and Human Services as an area with a shortage
 3 of personal health services or a population group designated by the secretary as
 4 having a shortage of such services, such as migratory and seasonal agricultural
 5 workers, the homeless, residents of public housing, or students and other family
 6 members of students of a particular school or schools. Such a facility shall have been
 7 designated as a federally qualified health center by the secretary of the Department
 8 of Health and Human Services and shall be receiving grants or loans as may be
 9 granted by the secretary under 42 U.S.C. 254b.

10 * * *

11 §1185.3. Definitions

12 As used in this Part, the following words shall have the following meanings,
 13 unless the context requires otherwise:

14 * * *

15 (2) "Federally qualified health center" means a facility which is engaged in
 16 furnishing primary health services to outpatients by physicians, physician assistants,
 17 ~~or~~ nurse practitioners, **or pharmacists**, including but not limited to health services
 18 related to family medicine, internal medicine, pediatrics, obstetrics, and gynecology
 19 and ~~such~~ **any** services and supplies incident thereto. Such ~~a~~ **a** facility shall serve a
 20 medically underserved population, meaning the population of an urban or rural area
 21 designated by the secretary of the Department of Health and Human Services as an
 22 area with a shortage of personal health services or a population group designated by
 23 the secretary as having a shortage of such services, such as migratory and seasonal
 24 agricultural workers, the homeless, residents of public housing, or students and other
 25 family members of students of a particular school or schools. Such a facility shall
 26 have been designated as a federally qualified health center by the secretary of the
 27 Department of Health and Human Services and shall be receiving grants or loans as
 28 may be granted by the secretary under 42 U.S.C. 254b.

29 (3) "Rural health clinic" means a facility which is engaged in furnishing

1 primary health services to outpatients by physicians, physician assistants, ~~or~~ nurse
 2 practitioners, **or pharmacists**, including but not limited to health services related to
 3 family medicine, internal medicine, pediatrics, obstetrics, and gynecology and ~~such~~
 4 **any** services and supplies incident thereto. Such facility shall be located in an area
 5 that is not an urbanized area, as defined by the Bureau of the Census, in which there
 6 are insufficient numbers of needed health care practitioners, as determined by the
 7 secretary of the Department of Health and Human Services, and which has been
 8 determined to be a rural health clinic by the secretary of said department under 42
 9 U.S.C. 1395aa(a).

10 * * *

11 §2197. Licensure of rural health clinics

12 * * *

13 D. For purposes of this Part, a "rural health clinic" means a facility which is
 14 engaged in furnishing primary health services to outpatients by physicians, physician
 15 assistants, ~~or~~ nurse practitioners, **or pharmacists**, including but not limited to health
 16 services related to family medicine, internal medicine, pediatrics, obstetrics, and
 17 gynecology, and ~~such~~ **any** services and supplies incident thereto. Such **a** facility shall
 18 be located in an area that is not an urbanized area, as defined by the Bureau of the
 19 Census, in which there are insufficient numbers of needed healthcare practitioners,
 20 as determined by the secretary of the United States Department of Health and Human
 21 Services, and which has been determined to be a rural health clinic by the secretary
 22 of that department under 42 U.S.C. 1395aa(a).

23 * * *

24 Section 2. R.S. 46:460.37 is hereby enacted to read as follows:

25 **§460.37. Pharmacist clinical services in the Louisiana medical assistance**
 26 **program**

27 **A. For purposes of this Section, the following definitions shall apply:**

28 **(1) "Pharmacist" has the meaning ascribed in R.S. 22:1852.**

29 **(2) "CMS" means the Centers for Medicare and Medicaid Services.**

1 **(3) "Department" means the Louisiana Department of Health.**

2 **(4) "Louisiana medical assistance program" means the Louisiana**
3 **Medicaid program.**

4 **(5) "Federally qualified health center" has the meaning ascribed in R.S.**
5 **40:1183.3.**

6 **(6) "Rural health clinic" has the meaning ascribed in R.S. 40:2197.**

7 **(7) "Telehealth" has the meaning ascribed in R.S. 40:1223.3.**

8 **(8) "Pharmacist clinical services" means patient care provided by and**
9 **within the scope of practice of a licensed pharmacist with the intent of achieving**
10 **outcomes related to the cure, prevention, or management of a disease or medical**
11 **condition.**

12 **B. Medicaid reimbursement for pharmacist clinical services in the**
13 **Medicaid program shall comply with the requirements of this Section, subject**
14 **to any required CMS approval.**

15 **C. In order to be eligible to receive Medicaid reimbursement, the**
16 **pharmacist clinical services shall be provided by a licensed pharmacist and the**
17 **pharmacist or pharmacy provider providing pharmacist clinical services to**
18 **Medicaid recipients shall meet all of the following requirements:**

19 **(1) Effective July 1, 2023, have a National Provider Identification**
20 **number, hereinafter referred to as "NPI". The pharmacist shall include his NPI**
21 **number or the NPI number of his employer on all claims for Medicaid**
22 **reimbursement submitted for pharmacist clinical services for dates of service**
23 **on or after July 1, 2023.**

24 **(2) Meet any other requirements promulgated through rulemaking by**
25 **the department to ensure the quality and effectiveness of services.**

26 **(3) Furnish services via telehealth or in-person in the pharmacy, office,**
27 **home, walk-in retail health clinic, federally qualified health center, rural health**
28 **clinic, skilled nursing facility, assisted living facility, or other place of service.**

29 **(4) Meet all other requirements set forth in Medicaid rules, regulations,**

1 provider manuals, and policies.

2 D. Within thirty days of June 6, 2022, the department shall commence
3 any actions that are required to amend any existing department rule or
4 regulation that is in conflict with the requirements of this Section, including but
5 not limited to seeking any required approval by CMS.

6 E. The department shall require Medicaid managed care organizations
7 to provide coverage of pharmacist clinical services to the same extent as those
8 same services are covered when performed by another Medicaid provider.

9 F.(1) Effective July 1, 2023, the Medicaid managed care organizations
10 shall take appropriate actions to recoup Medicaid payments or funds from any
11 pharmacist that renders Medicaid services in violation of the provision of this
12 Section.

13 (2) The department may refer noncompliant pharmacists to the
14 Louisiana Medicaid Fraud Control Unit within the Louisiana attorney general's
15 office for further fraud investigation.

16 G. The department shall promulgate any rules pursuant to the
17 Administrative Procedure Act and shall publish any Medicaid manuals or
18 Medicaid policy to implement and enforce the provisions of this Section.

19 H. The legislative auditor may conduct performance audits of the
20 department to ensure compliance with the provisions of this Section.

21 I. The department shall not take any final action that will result in the
22 elimination of pharmacist clinical services unless such action is affirmatively
23 approved by the House Committee on Health and Welfare and the Senate
24 Committee on Health and Welfare.

25 Section 3. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

The original instrument was prepared by Angela Lockett-De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Brandi Cannon.

DIGEST

SB 296 Engrossed

2022 Regular Session

Barrow

Proposed law defines "pharmacist clinical services" as patient care provided by and within the scope of practice of a licensed pharmacist with the intent of achieving outcomes related to the cure, prevention, or management of a disease or medical condition.

Proposed law provides that reimbursement for pharmacist clinical services in the Medicaid program shall comply with the requirements of proposed law, subject to any required CMS approval.

Proposed law provides that in order to be eligible to receive Medicaid reimbursement, a pharmacist providing pharmacist clinical services to Medicaid recipients shall meet certain requirements including any requirements promulgated through rulemaking by the La. Dept. of Health (LDH) to ensure the quality and effectiveness of services and all requirements set forth in Medicaid rules, regulations, provider manuals, and policies.

Proposed law provides that LDH may refer noncompliant pharmacists to the attorney general's office for further fraud investigation.

Proposed law provides that LDH shall promulgate any rules and shall publish any Medicaid manuals or Medicaid policy necessary to implement and enforce the provisions of proposed law.

Proposed law provides that the legislative auditor may conduct performance audits of LDH to ensure compliance with the provisions of proposed law.

Proposed law provides that LDH shall not take any final action that will result in the elimination of pharmacist clinical services unless the action is affirmatively approved by the House and Senate committees on health and welfare.

Proposed law provides for Medicaid managed care organizations to provide coverage of pharmacist clinical services to the same extent as those same services are covered when performed by another Medicaid provider.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1183.3(3), 1185.3(2) and (3), and 2197(D); adds R.S. 46:460.37)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Delays the implementation date of certain provisions of proposed law.
2. Deletes provisions relative to credentialing.
3. Provides for coverage of pharmacy clinical services by Medicaid MCOs.
4. Makes technical changes.