

SENATE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by Senate Committee on Finance to Engrossed House Concurrent Resolution No. 8 by Representative Schexnayder

1 AMENDMENT NO. 1

2 On page 2, between lines 2 and 3, insert the following:

3 "(6) Enhance the financial sustain ability of the Medicaid hospital program by pursuing the
4 recommendations of the Louisiana Department of Health resulting from Senate Concurrent
5 Resolution No. 27 of the 2020 First Extraordinary Session of the Louisiana Legislature."

6 AMENDMENT NO. 2

7 On page 2, delete lines 7 through 9, and insert the following:

8 "A.(1) Upon approval by the Centers for Medicare and Medicaid Services of a directed
9 payment arrangement pursuant to 42 C.F.R. 438.6, the Louisiana Department of Health shall
10 be authorized to levy and collect an assessment upon those hospitals subject to the approved
11 directed payment arrangement that is in accordance with the provisions of this Subsection."

12 AMENDMENT NO. 3

13 On page 2, line 10, after "(2)" and before "Prior" insert "Any hospital assessment levied and
14 collected pursuant to this Resolution shall be levied and collected on a quarterly basis."

15 AMENDMENT NO. 4

16 On page 2, delete lines 16 through 30, and insert the following:

17 "B. (1) The hospital assessment for state Fiscal Year 2022-2023 shall be calculated as the
18 product of the rates set forth as follows and the respective hospitals inpatient net patient
19 revenue and outpatient net patient revenue as reported in the Medicare cost report ending in
20 state fiscal year 2019:

21 (a) Long-term acute care, psychiatric and rehabilitation hospitals: 1.13% of inpatient net
22 patient revenue, and 1.13% of outpatient net patient revenue.

23 (b) Hospital Service Districts not included in R.S. 40:1189.1 et seq: 2.03% of inpatient net
24 patient revenue up to one hundred twenty-five million dollars, and 2.03% of outpatient net
25 patient revenue up to one hundred twenty-five million dollars.

26 (c) All other acute care hospitals: 2.64% of inpatient net patient revenue up to one hundred
27 twenty-five million dollars, and 2.74% of outpatient net patient revenue up to one hundred
28 twenty-five million dollars.

29 (d) Hospital Service Districts not included in R.S. 40:1189.1 et seq, and all other acute care
30 hospitals: 1.13% of inpatient net patient revenue exceeding one hundred twenty-five million
31 dollars, and 1.13% of outpatient net patient revenue exceeding one hundred twenty-five
32 million dollars.

33 (2) Non-rural, small urban private acute hospitals with forty licensed beds or less, either as
34 reported in the Medicare cost report ending in state fiscal year 2019 or as licensed by the
35 Louisiana Department of Health, freestanding psychiatric Medicaid disproportionate share
36 hospitals, and rural hospitals as defined in R.S. 40:1189.1, et seq., shall be exempt and
37 excluded from the levy of any assessment implemented pursuant to this Subsection.

38 C. In the event the Centers for Medicare and Medicaid Services approves an assessment that
39 is different from the provisions set forth in this Section, the Louisiana Department of Health
40 shall seek ratification of such changes from the Joint Legislative Committee on the Budget
41 prior to the levy of an approved assessment.

42 D. An assessment levied pursuant to Subsection B or C of this Section shall only be levied
43 for the quarters that directed payments are actually paid to hospitals pursuant to 42 C.F.R.

1 438.6 directed payment arrangements as approved by the Centers for Medicare and Medicaid
2 Services.
3 E. Until such time that an assessment is levied in accordance with Subsection B or C of this
4 Section, the Louisiana Department of Health shall continue the hospital assessment in the
5 same manner as set forth in House Concurrent Resolution No. 2 of the 2021 Regular Session
6 of the Louisiana Legislature."

7 AMENDMENT NO. 5

8 On page 3, delete lines 1 through 14

9 AMENDMENT NO. 6

10 On page 3, line 16, before "Louisiana" delete "The" and insert "A. Upon the implementation
11 of an assessment pursuant to Subsection A of Section I of this Resolution, the"

12 AMENDMENT NO. 7

13 On page 3, between lines 17 and 18, insert the following:

14 "(1) Implementation of directed payments pursuant to 42 C.F.R. 438.6 utilizing a uniform
15 percentage increase methodology for both acute and post-acute hospitals.
16 (a) For acute care hospitals, the methodology shall be implemented in the manner set forth
17 in the directed payment arrangement submitted to the Centers for Medicaid and Medicare
18 Services on March 31, 2022.
19 (b) For post-acute care hospitals, the methodology shall be implemented in the manner set
20 forth in the directed payment arrangement submitted to the Centers for Medicaid and
21 Medicare Services on May 13, 2022."

22 AMENDMENT NO. 8

23 On page 3, line 18, change "A." to "(2)"

24 AMENDMENT NO. 9

25 On page 3, line 22, change "B." to "(3)"

26 AMENDMENT NO. 10

27 On page 3, between lines 24 and 25, insert the following:

28 "B. The Louisiana Department of Health shall publish, on a publicly accessible website of
29 the department, the approved Centers for Medicare and Medicaid Services directed payment
30 arrangements within ten days of receiving approval. In the event the Centers for Medicare
31 and Medicaid Services approves the acute care hospital preprint in a manner that is different
32 from the provisions contained in the initial 42 C.F.R. 438.6 preprint submitted on March 31,
33 2022, or approves a post-acute preprint with uniform percentages that are different from
34 those contained in this Resolution, the department shall seek ratification of the changes from
35 the Joint Legislative Committee on the Budget prior to implementation.
36 C. Until such time that the reimbursement enhancements set forth in Subsection A of this
37 Section are implemented, the Louisiana Department of Health shall continue the
38 reimbursement enhancements set forth in House Concurrent Resolution 2 of the 2021
39 Regular Session of the Louisiana Legislature.
40 D. The Louisiana Department of Health shall publish on a quarterly basis, no later than thirty
41 days after the end of each quarter, a report containing data directly related to the
42 reimbursement enhancements provided for in this Resolution. The report shall include the
43 following:
44 (1) Total Medicaid enrollment on a monthly basis.
45 (2) The average monthly premium paid to managed care organizations providing benefits
46 and services to eligible Medicaid enrollees and the portion of premium related to hospital
47 payments included in this assessment.

- 1 (3) The aggregate Medicaid claims payment by provider type.
- 2 (4) The total amount of inpatient and outpatient Medicaid claims paid to hospitals delineated
- 3 by each individual hospital Medicaid provider number.
- 4 (5) The amount of directed payments received by each hospital.
- 5 (6) Other supplemental payments received by each hospital."

6 AMENDMENT NO. 11

7 On page 3, line 29, after "adopted." insert the following:

8 "In addition, the Louisiana Department of Health may promulgate any rules and regulations
9 that are necessary and proper to implement the provisions of this Resolution; however, the
10 final adoption thereof shall not be required in order to implement and carry out the
11 provisions of this Resolution."