

ACT No. 294

2023 Regular Session

HOUSE BILL NO. 435

BY REPRESENTATIVE FREEMAN

1 AN ACT

2 To enact Part VII of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:1258.1 and 1258.2, relative to Medicaid coverage for
4 chimeric antigen receptor T-cell therapy; to provide for definitions; to require certain
5 healthcare facilities to determine eligibility for and provide chimeric antigen receptor
6 T-cell therapy; to establish requirements for enrollment eligibility; to require the
7 Louisiana Department of Health to perform certain duties relative to Medicaid
8 coverage for such treatment; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part VII of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 40:1258.1 and 1258.2, is hereby enacted to read as follows:

12 PART VII. CHIMERIC ANTIGEN RECEPTOR T-CELL THERAPY

13 §1258.1. Definitions

14 As used in this Part, the following terms have the meanings ascribed to them
15 in this Section:

16 (1) "Chimeric antigen receptor (CAR) T-cell therapy" means a treatment that
17 is designed to manipulate T-cell protein to recognize an antigen on targeted tumor
18 cells in an effort to eliminate cancer.

19 (2) "Healthcare facility" has the same meaning as the term is defined in R.S.
20 40:2120.13.

1 §1258.2. Medicaid coverage; enrollment qualifications; duties

2 A. The Louisiana Medicaid program shall cover inpatient and, if deemed
 3 appropriate, outpatient coverage of CAR T-cell therapy when such therapy is
 4 approved by the United States Food and Drug Administration, used for a medically
 5 accepted indication, and administered in any healthcare facility appropriately
 6 providing CAR T-cell therapy in accordance with state and federal guidelines or
 7 certifications.

8 B. Any healthcare facility appropriately providing CAR T-cell therapy in
 9 accordance with state and federal guidelines or certifications that participates in the
 10 Louisiana Medicaid program shall provide CAR T-cell therapy to an individual who
 11 is eligible for such enrollment as defined in Subsection C of this Section.

12 C.(1) In order to receive coverage from the Louisiana Medicaid program for
 13 CAR T-cell therapy, the eligibility of a prospective enrollee shall be determined by
 14 the healthcare facility appropriately providing CAR T-cell therapy in accordance
 15 with state and federal guidelines or certifications as provided in Subsection B of this
 16 Section.

17 (2) A prospective enrollee shall be considered eligible for CAR T-cell
 18 therapy enrollment if the individual satisfies all of the following qualifications:

19 (a) The individual is enrolled in the Louisiana Medicaid program.

20 (b) A licensed healthcare provider has certified that CAR T-cell therapy is
 21 medically necessary and appropriate to treat the individual's condition.

22 (c) The CAR T-cell therapy is administered in any healthcare facility
 23 appropriately providing CAR T-cell therapy in accordance with state and federal
 24 guidelines or certifications.

25 D. Pursuant to this Section, the secretary of the Louisiana Department of
 26 Health shall do all of the following:

27 (1) Submit to the Centers for Medicare and Medicaid Services all necessary
 28 state plan amendments.

29 (2) Promulgate all necessary rules and regulations in accordance with the
 30 Administrative Procedure Act.

- 1 (3) Promulgate rules as necessary to regulate and provide payment to
2 healthcare providers for high cost pharmaceutical carve-outs in accordance with the
3 provisions of this Part.
- 4 (4) Take any other actions necessary to implement the provisions of this
5 Section.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____