

Regular Session, 2014

HOUSE BILL NO. 290

BY REPRESENTATIVE SMITH

MEDICAID: (Constitutional Amendment) Directs the Dept. of Health and Hospitals to offer health insurance with essential health benefits to every legal resident of La. whose income is at or below 138% of the federal poverty level, and to allow the legislature to determine whether to continue the program when federal funding falls below 90% of the total program funding

## 1 A JOINT RESOLUTION

2 Proposing to add Article XII, Section 17 of the Constitution of Louisiana, relative to access  
3 to health care; to provide for a state-administered health insurance program  
4 providing essential health benefits for certain Louisiana residents; to provide for  
5 certain eligibility requirements; to provide for accessing of federal funds; to provide  
6 for annual legislative appropriation of certain funds; to provide for terms and  
7 conditions; to provide for submission of the proposed amendment to the electors; and  
8 to provide for related matters.

9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
10 elected to each house concurring, that there shall be submitted to the electors of the state of  
11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add  
12 Article XII, Section 17 of the Constitution of Louisiana, to read as follows:

13 §17. Access to Health Care

14 Section 17. Effective January 1, 2015, the Department of Health and  
15 Hospitals shall administer a state program which makes available to every legal  
16 resident of this state whose income is at or below one hundred thirty-eight percent  
17 of the federal poverty level access to health insurance with essential health benefits,  
18 as provided by federal law. The department shall make all necessary state Medicaid

1        plan amendments or waiver applications to the federal government in order to access  
2        all federal funding available for the provision of health care services, including but  
3        not limited to funds available through The Patient Protection and Affordable Care  
4        Act, Public Law 111-148 and The Health Care and Education Reconciliation Act,  
5        Public Law 111-152, or any successors to these Acts. The legislature shall annually  
6        appropriate the state and federal revenues necessary to fund this program to provide  
7        health insurance for this eligible population, except that, if total funding to operate  
8        this state program is comprised of less than ninety percent federal funds, the  
9        legislature shall have the authority to decide whether to continue the program.

10       Section 2. Be it further resolved that this proposed amendment shall be submitted  
11 to the electors of the state of Louisiana at the statewide election to be held on November 4,  
12 2014.

13       Section 3. Be it further resolved that on the official ballot to be used at the election,  
14 there shall be printed a proposition, upon which the electors of the state shall be permitted  
15 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
16 follows:

17                    Do you support an amendment to require the state, beginning January 1,  
18                    2015, to administer a program which gives every legal resident of Louisiana  
19                    whose income is at or below 138% of the federal poverty level access to  
20                    health insurance with essential health benefits, as provided by federal law,  
21                    and to allow the legislature to decide whether to continue the program if  
22                    federal funding falls below 90% of the total funding required to run it?

23                    (Adds Article XII, Section 17)

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#### 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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Smith

HB No. 290

**Abstract:** Constitutional amendment directing the Dept. of Health and Hospitals to offer health insurance with essential health benefits to every legal resident of La. whose income is at or below 138% of the federal poverty level, and to allow the legislature

to determine whether to continue the program when federal funding falls below 90% of the total program funding

Proposed constitutional amendment directs the Dept. of Health and Hospitals, effective Jan. 1, 2015, to administer a state program which makes available to every legal resident of this state whose income is at or below 138% of the federal poverty level access to health insurance with essential health benefits, as provided by federal law.

Proposed constitutional amendment provides that the department shall make all necessary state Medicaid plan amendments or waiver applications to the federal government in order to access all federal funding available for the provision of health care services, including but not limited to funds available through the Affordable Care Act, or any successor to that Act.

Proposed constitutional amendment provides that the legislature shall annually appropriate the state and federal revenues necessary to fund this program to provide health insurance for this eligible population, except that, if total funding to operate this state program is comprised of less than 90% federal funds, the legislature shall have the authority to decide whether to continue the program.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

(Adds Const. Art. XII, §17)