

2019 Regular Session

HOUSE BILL NO. 434

BY REPRESENTATIVE MAGEE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAID: Provides relative to definitions, policies, and procedures of Medicaid managed care organizations

1 AN ACT

2 To enact R.S. 46:460.51(15), 460.53, and 460.54, relative to the Louisiana Medical
3 Assistance Program; to provide for a defined term; to provide a public notice
4 requirement; to provide for the implementation of a policy for the adoption of
5 policies and procedures; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:460.51(15), 460.53, and 460.54 are hereby enacted to read as
8 follows:

9 §460.51. Definitions

10 As used in this Part, the following terms have the meaning ascribed in this
11 Section unless the context clearly indicates otherwise:

12 * * *

13 (15) "Policy or procedure" shall mean a course or principle of action by the
14 department or a managed care organization that may have direct or indirect effect on
15 a Medicaid enrollee or healthcare provider and shall include but not be limited to
16 billing or claims submission and payment, medical management or utilization
17 review, case management, claims processing guidelines and edits, grievance and
18 appeals procedures and process, other guidelines or manuals containing pertinent
19 information related to operations and pre-processing claims, and core benefits and
20 services.

1 * * *

2 §460.53. Contract amendments; public notice

3 A. The department, prior to executing any amendment to a professional,
4 personal, consulting, or social services contract that provides for managed care under
5 the Louisiana Medical Assistance Program through the use of a managed care
6 organization, primary care case management, prepaid inpatient health plan, or
7 prepaid ambulatory health plan, all as defined in 42 C.F.R. 438.2, shall publish on
8 a publicly accessible page of the department's website a copy of the entire proposed
9 contract amendment and provide a public comment period of no less than thirty days.

10 B. If the department finds that an imminent peril to the public health, safety,
11 or welfare requires immediate execution of a proposed contract amendment without
12 otherwise publishing the proposed contract amendment as required in Subsection A
13 of this Section, the department may execute the proposed contract amendment upon
14 publishing a copy of the contract amendment and a written statement that details the
15 reason for finding that an imminent peril to the public health, safety, or welfare
16 requires adoption of the executed amendment.

17 §460.54. Medicaid policies and procedures; procedure for adoption

18 A. The department, prior to adopting, approving, amending or implementing
19 any policy or procedure, shall publish the proposed policy or procedure on a publicly
20 accessible page of the department's website for a period of no less than forty-five
21 days for the purpose of soliciting public comments. The proposed policy or
22 procedure shall be published in a format to be determined by the department but shall
23 include both the existing policy or procedure and the proposed policy and procedure,
24 with the proposed language in the text printed in boldface type and underscored. All
25 present policy or procedure language and punctuation which are to be deleted shall
26 be struck through.

27 B. A policy or procedure proposed by a managed care organization shall not
28 be implemented unless the department has provided its express written approval to

1 the managed care organization after the expiration of the public notice period
2 required by this Section.

3 C. If the department finds that an imminent peril to the public health, safety,
4 or welfare requires immediate approval of a proposed policy or procedure without
5 otherwise publishing the proposed policy or procedure as required in Subsection A
6 of this Section, the department may implement the proposed policy or procedure
7 upon publishing a written statement that details its reason for finding that an
8 imminent peril to the public health, safety, or welfare requires adoption of the
9 proposed policy or procedure and a copy of the policy or procedure.

10 D. The provisions of this Section shall not apply to any policy or procedure
11 that is otherwise duly promulgated in accordance with the Administrative Procedure
12 Act or included in a duly executed contract amendment.

13 E. The department or a managed care organization shall be prohibited from
14 enforcing any policy or procedure that is not adopted in compliance with this Section
15 and any such policy or procedure shall be null and void and considered a violation
16 of the public policy of this state.

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 434 Original

2019 Regular Session

Magee

Abstract: Defines "policy and procedure", adds a public notice requirement, and implements a policy for adopting policies and procedures as it relates to Medicaid managed care organizations.

Proposed law defines the term "policy or procedure" to mean a course or principle of action by the Louisiana Department of Health (LDH) or a managed care organization that may have direct or indirect effect on a Medicaid enrollee or healthcare provider and shall include but not be limited to billing or claims submission and payment, medical management or utilization review, case management, claims processing guidelines and edits, grievance and appeals procedures and process, other guidelines or manuals containing pertinent information related to operations and pre-processing claims, and core benefits and services.

Proposed law establishes a public notice requirement for any contract amendment proposed by requiring LDH to publish, on a publicly accessible page of LDH's website, a copy of the entire proposed contract amendment and to provide a public comment period of no less than 30 days; except where LDH finds imminent peril to public health, safety, or welfare in which case they may immediately execute the proposed contract amendment upon publishing a

copy of the contract amendment and a written statement that details the reason for finding that an imminent peril requires adoption of the executed amendment.

Proposed law establishes policies and procedure for adoption of policies which require LDH to publish the proposed policy or procedure on a publicly accessible page of LDH's website for a period of no less than 45 days for the purpose of soliciting public comment. LDH shall determine the format; however, LDH shall include existing policy or procedure along with proposed policy or procedure.

Proposed law provides that any policy or procedure proposed by a managed care organization shall not be implemented without the express written approval to the managed care organization by LDH after the expiration of the public notice period. However, if LDH finds that imminent peril requires immediate approval, LDH may implement the proposal upon publishing a written statement that details its reasons for finding that imminent peril requires adoption of the proposed policy or procedure and a copy of the proposed policy or procedure.

Proposed law provides that ~~proposed law~~ shall not apply to any policy or procedure that is promulgated in accordance with the Administrative Procedure Act or included in a duly executed contract.

Proposed law prohibits LDH or a managed care organization from enforcing any policy or procedure that is not adopted in compliance with this section.

(Adds R.S. 46:460.51(15), 460.53, and 460.54)