

2019 Regular Session

HOUSE BILL NO. 199

BY REPRESENTATIVES HORTON, BAGLEY, HOFFMANN, ROBERT JOHNSON,
LEBAS, MCMAHEN, DUSTIN MILLER, MOORE, POPE, STAGNI, STOKES,
AND TURNER

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

MEDICAID: Establishes the TEFRA option within the La. Medicaid program to serve children with disabilities

1 AN ACT

2 To enact Part III of Chapter 8 of Title 46 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 46:977.21 through 977.25, relative to services for children
4 provided through the medical assistance program of this state known commonly as
5 Medicaid; to provide for duties and responsibilities of the Louisiana Department of
6 Health in administering the Medicaid program; to establish and provide for a special
7 option within Medicaid to serve certain children with disabilities; to require
8 development and submission of a Medicaid state plan amendment to the federal
9 Medicaid agency; to provide for definitions; to provide for promulgation of rules;
10 and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part III of Chapter 8 of Title 46 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 46:977.21 through 977.25, is hereby enacted to read as follows:

14 PART III. SERVICES FOR CHILDREN WITH DISABILITIES - TEFRA OPTION

15 §977.21. Purpose

16 The purpose of this Part is to provide for the TEFRA option within the
17 Medicaid program of this state through which children with disabilities can access
18 Medicaid-funded services regardless of their parents' income.

1 §977.22. Definitions

2 For purposes of this Part, the following terms have the meaning ascribed in
3 this Section:

4 (1) "Department" means the Louisiana Department of Health.

5 (2) "Medicaid" means the medical assistance program provided for in Title
6 XIX of the Social Security Act.

7 (3) "Secretary" means the secretary of the Louisiana Department of Health.

8 (4) "TEFRA option" means the program authorized under section 134 of the
9 Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248), and provided for
10 more specifically in this Part, which furnishes Medicaid benefits to children with
11 disabilities who are otherwise ineligible for such benefits because the income of their
12 household exceeds state-established limits for Medicaid eligibility.

13 §977.23. TEFRA option established; application to federal Medicaid agency

14 The legislature hereby creates a TEFRA option program in order to protect
15 and promote public health and well-being in this state. The secretary shall develop
16 and submit to the Centers for Medicare and Medicaid Services a Medicaid state plan
17 amendment in order to implement the TEFRA option program. The department shall
18 establish the eligibility factors and benefits of the TEFRA option program in
19 accordance with the requirements and specifications provided in this Part.

20 §977.24. Eligibility factors; benefits

21 A. In order to be eligible for the TEFRA option, a child shall meet all of the
22 following eligibility criteria:

23 (1) He is a Louisiana resident and United States citizen.

24 (2) He is under the age of nineteen.

25 (3) He has a disability that is recognized under the definition of disability
26 utilized in the Supplemental Security Income program of the Social Security
27 Administration, regardless of whether he is eligible to receive benefits under that
28 program.

1 (4) He is ineligible for Medicaid coverage when the income of his parents
2 is considered.

3 (5) Excluding the assets of his parents, he does not have assets exceeding
4 two thousand dollars in value.

5 (6) Due to his disability, he requires a level of care provided in a hospital,
6 skilled nursing facility, or intermediate care facility; however, care provided outside
7 of such an institution may be appropriate.

8 (7) The cost of his care provided at his home is less than the cost of
9 institutional care.

10 B. The TEFRA option shall provide to eligible children coverage for all
11 Medicaid state plan services.

12 §977.25. Administrative rulemaking

13 The department shall promulgate all such rules in accordance with the
14 Administrative Procedure Act as are necessary to implement the provisions of this
15 Part.

16 Section 2. The secretary of the Louisiana Department of Health shall take such
17 actions as are necessary to cause the Medicaid state plan amendment for the TEFRA option
18 program established by R.S. 46:977.21 et seq., as enacted by Section 1 of this Act, to be
19 submitted to the Centers for Medicare and Medicaid Services on or before January 1, 2020.

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 199 Engrossed

2019 Regular Session

Horton

Abstract: Requires the La. Department of Health to institute the TEFRA option for providing Medicaid-funded services to children with disabilities regardless of their parents' income.

Proposed law indicates that its purpose is to provide for the TEFRA option within the Medicaid program of this state through which children with disabilities can access Medicaid-funded services regardless of their parents' income.

Proposed law defines "TEFRA option" as the program authorized under section 134 of the Tax Equity and Fiscal Responsibility Act of 1982, and provided for more specifically in proposed law, which furnishes Medicaid benefits to children with disabilities who are

otherwise ineligible for such benefits because the income of their household exceeds state-established limits for Medicaid eligibility.

Proposed law requires the La. Department of Health (LDH) to develop and submit to the federal Medicaid agency on or before Jan. 1, 2020, an application for a Medicaid state plan amendment to implement a TEFRA option program. Requires LDH to establish the eligibility factors and benefits of the TEFRA option program in accordance with the requirements and specifications of proposed law.

Proposed law provides that in order to be eligible for the TEFRA option, a child shall meet all of the following criteria:

- (1) He is a La. resident and U.S. citizen.
- (2) He is under the age of 19.
- (3) He has a disability that is recognized under the definition of disability utilized in the Supplemental Security Income program of the Social Security Administration, regardless of whether he is eligible to receive benefits under that program.
- (4) He is ineligible for Medicaid coverage when the income of his parents is considered.
- (5) Excluding the assets of his parents, he does not have assets exceeding \$2,000 in value.
- (6) Due to his disability, he requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility; however, care provided outside of such an institution may be appropriate.
- (7) The cost of his care provided at his home is less than the cost of institutional care.

Proposed law requires that the TEFRA option provide to eligible children coverage for all Medicaid state plan services.

(Adds R.S. 46:977.21-977.25)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete all provisions for implementing the TEFRA option through a Medicaid demonstration waiver and add in lieu thereof provisions for implementing the TEFRA option through a Medicaid state plan amendment.