2021 Regular Session

HOUSE BILL NO. 213

BY REPRESENTATIVE BACALA

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

MEDICAID: Provides for Medicaid eligibility determination functions and Medicaid fraud detection and prevention

1	AN ACT
2	To enact R.S. 24:513(Q), R.S. 36:254(A)(6)(c) and (d), and R.S. 47:1508(B)(44) and (D),
3	relative to Medicaid program integrity; to provide for duties of the secretary of the
4	Louisiana Department of Health in administering the Medicaid program; to authorize
5	the Louisiana Department of Revenue to share state income tax return data with the
6	Louisiana Department of Health and the legislative auditor for certain limited
7	purposes; to require the Louisiana Department of Health to utilize such data in the
8	Medicaid eligibility determination process; to authorize the legislative auditor to
9	utilize such data for purposes of Medicaid fraud detection and prevention; to provide
10	for interagency agreements relative to sharing of data; to provide for implementation
11	of certain functions prescribed by the Medical Assistance Programs Integrity Law;
12	to provide for an effective date; and to provide for related matters.
13	Be it enacted by the Legislature of Louisiana:
14	Section 1. R.S. 24:513(Q) is hereby enacted to read as follows:
15	§513. Powers and duties of legislative auditor; audit reports as public records;
16	assistance and opinions of attorney general; frequency of audits; subpoena
17	power
18	* * *
19	Q. The legislative auditor may access individual-level state income tax return
20	data in accordance with R.S. 47:1508(B)(44) for the limited purposes of ensuring

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	accuracy of Medicaid eligibility determinations, detecting and preventing fraud in		
2	the Medicaid program, and fulfilling all other applicable requirements of the Medical		
3	Assistance Programs Integrity Law, R.S. 46:437.1 et seq.		
4	Section 2. R.S. 36:254(A)(6)(c) and (d) are hereby enacted to read as follows:		
5	§254. Powers and duties of the secretary of the Louisiana Department of Health		
6	A. In addition to the functions, powers, and duties otherwise vested in the		
7	secretary by law, he shall:		
8	* * *		
9	(6)		
10	* * *		
11	(c) Take such actions as are necessary to ensure accuracy in medical		
12	assistance program eligibility determinations.		
13	(d) Work cooperatively with other departments and officials of the state,		
14	including but not limited to the attorney general, the legislative auditor, and the		
15	Louisiana Department of Revenue, in detecting and preventing fraud in the medical		
16	assistance program and fulfilling all other applicable requirements of the Medical		
17	Assistance Programs Integrity Law, R.S. 46:437.1 et seq.		
18	* * *		
19	Section 3. R.S. 47:1508(B)(44) and (D) are hereby enacted to read as follows:		
20	§1508. Confidentiality of tax records		
21	* * *		
22	B. Nothing herein contained shall be construed to prevent:		
23	* * *		
24	(44)(a) The secretary from disclosing individual-level state income tax return		
25	data to the legislative auditor or the secretary of the Louisiana Department of Health		
26	exclusively for the purposes specified in this Paragraph.		
27	(b) The legislative auditor and the secretary of the Louisiana Department of		
28	Health shall utilize data disclosed pursuant to this Paragraph for the following		
29	purposes, exclusively:		

1	(i) Ensuring accuracy of Medicaid eligibility determinations.	
2	(ii) Detecting and preventing fraud in the Medicaid program.	
3	(iii) Fulfilling the requirements of the Medical Assistance Programs Integrity	
4	Law, R.S. 46:437.1 et seq.	
5	(c) The secretary may enter into any memorandum of understanding,	
6	cooperative endeavor, or other type of agreement as may be necessary to facilitate	
7	the sharing of data with the legislative auditor and the secretary of the Louisiana	
8	Department of Health, respectively, for the purposes set forth in this Paragraph.	
9	* * *	
10	D. When the legislative auditor examines the records and files of the	
11	secretary of the Department of Revenue for the purposes of ensuring the accuracy	
12	of Medicaid eligibility determinations, exemptions, credits, and rebates, the secretary	
13	shall assist the legislative auditor by providing supporting documentation from the	
14	taxpayer.	
15	Section 4. This Act shall become effective upon signature by the governor or, if not	
16	signed by the governor, upon expiration of the time for bills to become law without signature	
17	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If	
18	vetoed by the governor and subsequently approved by the legislature, this Act shall become	
19	effective on the day following such approval.	

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 213 Engrossed 2021 Regular	Session Bacala
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Abstract: Provides for program integrity in Medicaid eligibility determination functions, Medicaid fraud detection and prevention, and interagency data sharing in furtherance of those purposes.

<u>Proposed law</u> authorizes the secretary of the La. Department of Revenue (LDR) to disclose individual-level state income tax return data to the legislative auditor or the secretary of La. Dept. of Health (LDH) for the following purposes exclusively:

- (1) Ensuring accuracy of Medicaid eligibility determinations.
- (2) Detecting and preventing fraud in the Medicaid program.

(3) Fulfilling the requirements of <u>present law</u> relative to Medicaid program integrity, R.S. 46:437.1 et seq.

Present law, R.S. 36:254, provides for the powers and duties of the secretary of LDH.

<u>Proposed law</u> retains <u>present law</u> and adds thereto the following duties:

- (1) To take such actions as are necessary to ensure accuracy in Medicaid eligibility determinations.
- (2) To work cooperatively with other state departments and officials, including but not limited to the attorney general, the legislative auditor, and LDR, in detecting and preventing Medicaid fraud and fulfilling all other applicable requirements of present law relative to Medicaid program integrity, R.S. 46:437.1 et seq.

<u>Present law</u>, R.S. 47:1508(A), provides that the records and files of the secretary of LDR are confidential and privileged, and that no person shall divulge or disclose any information obtained from such records and files except as authorized by <u>present law</u>.

<u>Proposed law</u> authorizes the secretary of LDR to disclose individual-level state income tax return data to the legislative auditor or the secretary of LDH for the following purposes exclusively:

- (1) Ensuring accuracy of Medicaid eligibility determinations.
- (2) Detecting and preventing fraud in the Medicaid program.
- (3) Fulfilling the requirements of <u>present law</u> relative to Medicaid program integrity, R.S. 46:437.1 et seq.

<u>Proposed law</u> authorizes the secretary of LDR to enter into any memorandum of understanding, cooperative endeavor, or other type of agreement as may be necessary to facilitate sharing of data with the legislative auditor and the secretary of LDH, respectively, for the purposes set forth in proposed law.

Present law, R.S. 24:513, provides for the powers and duties of the legislative auditor.

<u>Proposed law</u> retains <u>present law</u> and adds thereto an authorization for the legislative auditor to access individual-level state income tax return data, in accordance with <u>proposed law</u>, for the following purposes:

- (1) Ensuring accuracy of Medicaid eligibility determinations.
- (2) Detecting and preventing fraud in the Medicaid program.
- (3) Fulfilling all other applicable requirements of <u>present law</u> relative to Medicaid program integrity, R.S. 46:437.1 et seq.

<u>Proposed law</u> requires that when the legislative auditor examines the records and files of LDR for the purposes of ensuring the accuracy of Medicaid eligibility determinations, exemptions, credits, and rebates, the secretary shall assist the legislative auditor by providing supporting documentation from the taxpayer.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 24:513(Q), R.S. 36:254(A)(6)(c) and (d), and R.S. 47:1508(B)(44) and (D))