

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

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:



- (3) Fulfilling the requirements of present law 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.

Proposed law retains present law 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.

Present law, 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 present law.

Proposed law 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 present law relative to Medicaid program integrity, R.S. 46:437.1 et seq.

Proposed law 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.

Proposed law retains present law and adds thereto an authorization for the legislative auditor to access individual-level state income tax return data, in accordance with proposed law, 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 present law relative to Medicaid program integrity, R.S. 46:437.1 et seq.

Proposed law 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))