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## DIGEST

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HB 698 Reengrossed

2021 Regular Session

Bacala

**Abstract:** Requires interagency agreements between the La. Dept. of Health and the Dept. of Revenue, and between the La. Dept. of Health and the Dept. of Children and Family Services, relative to administration of the Medicaid and child support enforcement programs.

Present law provides for powers and duties of the secretary of the La. Dept. of Health (LDH). Proposed law retains present law and adds thereto requirements that the secretary of LDH cause the department to enter into the agreements with the Dept. of Revenue (LDR) and the Dept. of Children and Family Services (DCFS) provided for in proposed law.

Proposed law requires LDR and LDH to enter into memoranda of understanding, cooperative endeavors, or other types of agreements for Medicaid program integrity functions that conform with the requirements of proposed law unless prohibited by regulations or policies of the federal Medicaid agency or any other federal regulation or law.

Proposed law stipulates that the agreements between LDR and LDH shall require LDH to furnish to LDR identifying information of all of the following persons:

- (1) Each person under the age of 19 years who is enrolled in the Medicaid program of this state.
- (2) Each adult who is enrolled in the Medicaid program of this state and whose Medicaid application indicates that any child or children under the age of 19 years live with him.

Proposed law requires LDR to examine income tax returns to identify any Medicaid-enrolled child who is claimed as a dependent by someone other than an adult whose home the child lives in according to the child's Medicaid application. Requires further that, unless prohibited by the Internal Revenue Code or any other federal law or regulation, LDR shall identify to LDH each child so identified.

Proposed law provides that each agreement that LDR and LDH enter into pursuant to proposed law shall set forth standards and protocols for the transfer of data required by proposed law.

Proposed law requires that on or before Jan. 1, 2022, and annually thereafter, LDR shall report to the legislature the number of children enrolled in Medicaid who are claimed as dependents on tax returns by persons other than an adult whose home the child lives in according to the child's Medicaid application. Requires that the report consist of statistical information exclusively and contain no identifying information of any individual.

Proposed law requires DCFS and LDH to enter into a memorandum of understanding, cooperative endeavor, or other type of agreement as may be necessary to implement a program wherein cash medical support payments collected under the authority of proposed law are used to offset state and federal Medicaid costs. Provides that the agreement may be for any term that the secretaries of the two departments mutually determine, and, at its expiration, shall be renewed inclusive of any revisions that the secretaries of the two departments mutually determine. Stipulates that the program provided for in the agreement shall conform with the requirements and specifications provided in proposed law.

Proposed law requires DCFS to remit any cash medical support payments to LDH when all of the following apply:

- (1) The obligor has been ordered under present law to make cash medical support payments.
- (2) DCFS is providing support enforcement services.
- (3) Cash medical support has been assigned to the state in accordance with applicable federal regulations for child support enforcement.

Proposed law stipulates that nothing therein shall be construed to require DCFS to violate any federal regulation pertaining to child support enforcement.

Proposed law provides that each agreement between DCFS and LDH required by proposed law shall provide for incentive payments by LDH to DCFS in an amount that does not exceed 15% of the total of remittances made under the prior agreement to offset Medicaid costs.

Proposed law stipulates that any payment by LDH to DCFS remitted pursuant to proposed law shall be made from the federal share of the amount collected in accordance with federal law and regulations (42 U.S.C. 1396b(p)(1) and 42 CFR 433.153).

Proposed law provides that no payment remitted to LDH in accordance with proposed law shall reduce the amount of child support that otherwise would be owed to the obligee if cash medical support had not been ordered.

(Adds R.S. 36:254(D)(2)(e) and (f) and 460 and R.S. 46:236.1.1(17) and 236.9.1)

### Summary of Amendments Adopted by House

#### The House Floor Amendments to the engrossed bill:

1. Delete proposed law providing for determination by the Dept. of Children and Family Services (DCFS) of proportions of cash medical support payments that may be remitted to the La. Dept. of Health (LDH) to offset the state and federal share of Medicaid program costs for Medicaid-enrolled children of noncustodial parents. Provide instead

that DCFS shall remit any cash medical support payments to LDH when all of the following apply:

- a. The obligor has been ordered under present law to make cash medical support payments.
  - b. DCFS is providing support enforcement services.
  - c. Cash medical support has been assigned to the state in accordance with applicable federal regulations for child support enforcement.
2. Stipulate that nothing in proposed law shall be construed to require DCFS to violate any federal regulation pertaining to child support enforcement.
  3. Revise proposed law providing that nothing therein shall be construed to require or authorize a reduction in child support to any child by providing that no payment remitted to LDH in accordance with proposed law shall reduce the amount of child support that otherwise would be owed to the obligee if cash medical support had not been ordered.