

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 698

2021 Regular Session

Bacala

STATE AGENCIES: Provides for state agency partnerships to improve Medicaid administration and program integrity

Synopsis of Senate Amendments

1. Exclude from proposed law relative to interagency sharing of identifying information and reporting to the legislature all of the following persons:
 - a. Children in child-only Medicaid cases.
 - b. Children in Medicaid cases that have received a good cause exemption from the Medicaid Support Enforcement Services cooperation requirement.
2. Provide that the standards and protocols for interagency data sharing required by proposed law shall ensure that in cases where there is domestic abuse or violence, the personal information shared between the departments does not create or increase the risk of harm to the victims of domestic abuse or violence.

Digest of Bill as Finally Passed by Senate

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 with the exception of the following:
 - (a) Children in child-only Medicaid cases.
 - (b) Children in Medicaid cases that have received a good cause exemption from the Medicaid Support Enforcement Services cooperation requirement.
- (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. Stipulates that these standards and protocols shall ensure that in cases where there is domestic abuse or violence, the personal information shared between the departments does not create or increase the risk of harm to the victims of domestic abuse or violence.

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, excluding children in child-only Medicaid cases and children in Medicaid cases that have received a good cause exemption from the Medicaid Support Enforcement Services cooperation requirement, 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)