2021 Regular Session

HOUSE BILL NO. 698 (Substitute for House Bill No. 186 by Representative Bacala) BY REPRESENTATIVE BACALA

1	AN ACT
2	To enact R.S. 36:254(D)(2)(e) and (f) and 460 and R.S. 46:236.1.1(17) and 236.9.1, relative
3	to interagency agreements between departments of the executive branch of state
4	government concerning certain public assistance programs; to provide relative to
5	administration by the Louisiana Department of Health of the medical assistance
6	program of this state known as Medicaid; to provide relative to administration by the
7	Department of Children and Family Services of the child support enforcement
8	program of this state; to require the Louisiana Department of Health and the
9	Department of Revenue to enter into agreements to carry out certain Medicaid
10	program integrity functions; to require the Louisiana Department of Health and the
11	Department of Children and Family Services to enter into agreements concerning the
12	use of certain cash medical support payments to offset Medicaid costs; to provide
13	specifications for the content of such interagency agreements; to provide for
14	incentive payments from the Louisiana Department of Health to the Department of
15	Children and Family Services for certain purposes; to provide relative to interagency
16	data sharing; to provide for reporting to the legislature; to provide for construction
17	of certain laws; and to provide for related matters.
18	Be it enacted by the Legislature of Louisiana:
19	Section 1. R.S. 36:254(D)(2)(e) and (f) and 460 are hereby enacted to read as
20	follows:
21	§254. Powers and duties of the secretary of the Louisiana Department of Health
22	* * *

Page 1 of 5

ENROLLED

1	D.
2	* * *
3	(2) Except as otherwise limited by a specific provision of law, the secretary
4	is authorized to perform all of the following relative to or concerning the Medical
5	Assistance Program:
6	* * *
7	(e) Cause the department to enter into memoranda of understanding,
8	cooperative endeavors, or other type of agreements with the Department of Revenue
9	for the program integrity functions provided for in R.S. 36:460.
10	(f) Cause the department to enter into memoranda of understanding,
11	cooperative endeavors, or other type of agreements with the Department of Children
12	and Family Services for the interagency incentive program provided for in R.S.
13	46:236.9.1.
14	* * *
15	§460. Department of Revenue; interagency agreements for Medicaid program
16	integrity; reporting
17	A. Unless prohibited by regulations or policies of the Centers for Medicare
18	and Medicaid Services or any other federal regulation or law, the Department of
19	Revenue and the Louisiana Department of Health shall annually enter into a
20	memorandum of understanding, cooperative endeavor, or other type of agreement
21	for Medicaid program integrity functions that conform with the requirements and
22	specifications provided in this Section.
23	B. The agreements provided for in this Section shall require the Louisiana
24	Department of Health to furnish to the Department of Revenue identifying
25	information of all of the following persons:
26	(1) Each person under the age of nineteen years who is enrolled in the
27	Medicaid program of this state, excluding children in child-only Medicaid cases and
28	children in Medicaid cases that have received a good cause exemption from the
29	Medicaid Support Enforcement Services cooperation requirement.

Page 2 of 5

1	(2) Each adult who is enrolled in the Medicaid program of this state and
2	whose Medicaid application indicates that any child or children under the age of
3	nineteen years live with him.
4	C.(1) The Department of Revenue shall examine income tax returns to
5	identify any Medicaid-enrolled child who is claimed as a dependent by someone
6	other than an adult whose home the child lives in according to the child's Medicaid
7	application.
8	(2) Unless prohibited by the Internal Revenue Code or any other federal law
9	or regulation, the Department of Revenue shall identify to the Louisiana Department
10	of Health each child identified in accordance with Paragraph (1) of this Subsection.
11	D. Each agreement that the Department of Revenue and Louisiana
12	Department of Health enter into pursuant to this Section shall set forth standards and
13	protocols for the transfer of data required by Subsections B and C of this Section.
14	The standards and protocols shall ensure that in cases where there is domestic abuse
15	or violence, the personal information shared between the departments does not create
16	or increase the risk of harm to the victims of domestic abuse or violence.
17	E. On or before January 1, 2022, and annually thereafter, the Department of
18	Revenue shall report to the legislature the number of children enrolled in Medicaid,
19	excluding children in child-only Medicaid cases and children in Medicaid cases that
20	have received a good cause exemption from the Medicaid Support Enforcement
21	Services cooperation requirement, who are claimed as dependents on tax returns by
22	persons other than an adult whose home the child lives in according to the child's
23	Medicaid application. The report required by the provisions of this Subsection shall
24	consist of statistical information exclusively and contain no identifying information
25	of any individual.
26	Section 2. R.S. 46:236.1.1(17) and 236.9.1 are hereby enacted to read as follows:
27	§236.1.1. Family and child support programs; definitions
28	For the purposes of this Subpart, the following items shall mean:
29	* * *

Page 3 of 5

1	(17) "Medicaid" means the medical assistance program provided for in Title
2	XIX of the Social Security Act.
3	* * *
4	§236.9.1. Cash medical support payments to offset Medicaid costs; interagency
5	incentive program
6	A. The Department of Children and Family Services and the Louisiana
7	Department of Health shall enter into a memorandum of understanding, cooperative
8	endeavor, or other type of agreement as may be necessary to implement a program
9	wherein payments collected under the authority of this Subpart are used to offset
10	state and federal Medicaid costs. The agreement may be for any term that the
11	secretaries of the two departments mutually determine, and, at its expiration, shall
12	be renewed inclusive of any revisions that the secretaries of the two departments
13	mutually determine. The program provided for in the agreement shall conform with
14	the requirements and specifications provided in this Section.
15	B.(1) The Department of Children and Family Services shall remit any cash
16	medical support payments to the Louisiana Department of Health when all of the
17	following apply:
18	(a) The obligor has been ordered under R.S. 46:236.1.2(L) or other law to
19	make cash medical support payments.
20	(b) The Department of Children and Family Services is providing support
21	enforcement services.
22	(c) Cash medical support has been assigned to the state in accordance with
23	<u>42 CFR 433.146.</u>
24	(2) Nothing in this Section shall be construed to require the Department of
25	Children and Family Services to violate 45 CFR 302.51 or 302.52, or any other
26	federal regulation pertaining to child support enforcement.
27	C.(1) Each agreement required by Subsection A of this Section shall provide
28	for an incentive payment to be made at least annually by the Louisiana Department
29	of Health to the Department of Children and Family Services in an amount that does

Page 4 of 5

1	not exceed fifteen percent of the total of remittances made under the prior agreement,
1	intervenced inteen percent of the total of reminances indee ander the prior agreement,
2	in accordance with Paragraph (B)(2) of this Section, to offset Medicaid costs.
3	(2) Any payment by the Louisiana Department of Health to the Department
4	of Children and Family Services made pursuant to Paragraph (1) of this Subsection
5	shall be made from the federal share of the amount collected in accordance with 42
6	<u>U.S.C. 1396b(p)(1) and 42 CFR 433.153.</u>
7	D. No payment remitted to the Louisiana Department of Health in
8	accordance with this Section shall reduce the amount of child support that otherwise
9	would be owed to the obligee if cash medical support had not been ordered.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

Page 5 of 5