

2022 Regular Session

HOUSE BILL NO. 645

BY REPRESENTATIVE MAGEE

FUNDS/FUNDING: Establishes the Community Options Waiver Fund and provides for dedication of revenues and use of monies in the fund

1 AN ACT

2 To amend and reenact the heading of Subpart O of Part II-A of Chapter 1 of Subtitle I of  
3 Title 39 of the Louisiana Revised Statutes of 1950 and to enact R.S. 39:100.62,  
4 relative to special funds; to create the Community Options Waiver Fund as a special  
5 fund in the state treasury; to provide for dedication of certain revenues and for the  
6 deposit and use of monies in the fund; to provide an effective date; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The heading of Subpart O of Part II-A of Chapter 1 of Subtitle I of Title  
10 39 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted and R.S.  
11 39:100.62 is hereby enacted to read as follows:

12 SUBPART O. ~~NEW OPPORTUNITIES WAIVER FUND~~ FUNDS

13 \* \* \*

14 §100.62. Community Options Waiver Fund

15 A. There is hereby created in the state treasury, as a special fund, the  
16 Community Options Waiver Fund, hereinafter referred to as the "fund."

17 B.(1) The source of monies in the fund shall be as follows:

18 (a) In any fiscal year, after deposits required pursuant to R.S. 39:100.61, the  
19 state treasurer is directed to deposit twelve percent of the total of recurring state  
20 general fund revenue as recognized by the Revenue Estimating Conference in excess

1 of the official forecast at the beginning of the current fiscal year, not to exceed fifty  
2 million dollars in any fiscal year, into the fund, and monies in the fund from this  
3 Subparagraph shall be used for appropriation in the ensuing fiscal year.

4 (b) Monies designated for the fund and received by the state treasurer from  
5 donations, gifts, grants, appropriations, or other revenue.

6 (2) Monies in the fund shall be invested in the same manner as monies in the  
7 state general fund. Interest earned on investment of monies in the fund shall be  
8 credited to the fund. Unexpended and unencumbered monies in the fund at the end  
9 of the fiscal year shall remain in the fund.

10 (3) For the purposes of this Section, "waiver services" means Medicaid  
11 services provided under the Community Choices Waiver, the Adult Day Health Care  
12 Waiver, or any other Medicaid home and community-based waiver for persons with  
13 adult-onset disabilities as promulgated by rule by the Louisiana Department of  
14 Health. The Louisiana Department of Health shall consult with the Louisiana  
15 Developmental Disabilities Council to develop a plan for appropriations out of the  
16 fund.

17 C. Subject to an appropriation by the legislature, monies in the fund shall be  
18 used solely to fund waiver services, to improve the capacity of the state to meet the  
19 varying and complex needs of individuals with adult-onset disabilities, and shall be  
20 administered by the Louisiana Department of Health. Such funding shall not be used  
21 to supplant appropriations from the general fund for waiver services. Nothing  
22 contained in this Subpart shall prohibit the legislature from appropriating additional  
23 monies for waiver services.

24 Section 2. This Act shall become effective July 1, 2022. If vetoed by the governor  
25 and subsequently approved by the legislature, this Act shall become effective on July 1,  
26 2022, or on the day following such approval by the legislature, whichever is later.

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**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)]

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HB 645 Original

2022 Regular Session

Magee

**Abstract:** Creates the Community Options Waiver Fund ("fund") and provides for dedication and uses of monies in the fund

Proposed law establishes the fund to provide additional revenues for Medicaid services provided under the Community Choices Waiver, the Adult Day Health Care Waiver, or any other Medicaid home and community-based waiver for persons with adult-onset disabilities. Requires the treasurer to annually deposit into the fund an amount equal to 12% the total of recurring state general fund revenue as recognized by the Revenue Estimating Conference in excess of the Official Forecast at the beginning of the current fiscal year, not to exceed \$50,000,000 dollars in any fiscal year. Requires interest earned on investment of monies in the fund be credited to the fund and. Authorizes unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund. Requires the La. Dept. of Health to consult with the La. Developmental Disabilities Council to develop a plan for use of fund monies.

Effective July 1, 2022.

(Adds R.S. 39:100.62)