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**HOUSE FLOOR AMENDMENTS**

2022 Regular Session

Amendments proposed by Representative Schexnayder to Engrossed House Concurrent Resolution No. 8 by Representative Schexnayder

1 AMENDMENT NO. 1

2 On page 2, between lines 2 and 3, insert the following:

3           "(6) Enhance the financial sustainability of the Medicaid hospital program by  
4 pursuing the recommendations of the Louisiana Department of Health resulting from Senate  
5 Concurrent Resolution 27 of the 2020 First Extraordinary Session of the Louisiana  
6 Legislature."

7 AMENDMENT NO. 2

8 On page 2, line 8, after "accordance with", delete the remainder of the line, delete line 9 in  
9 its entirety, and insert the following:

10 "the provisions of this Subsection upon the approval of the Centers for Medicare and  
11 Medicaid Services of a directed payment arrangement pursuant to 42 CFR 438.6(b) for acute  
12 and post-acute hospitals and the levy and collection of an assessment as set forth in this  
13 Resolution."

14 AMENDMENT NO. 3

15 On page 2, line 10, after "(2)" and before "Prior", insert "Any hospital assessment levied and  
16 collected pursuant to this Resolution shall be levied and collected on a quarterly basis."

17 AMENDMENT NO. 4

18 On page 2, delete lines 16 through 30 in their entirety and on page 3, delete lines 1 through  
19 14 in their entirety and insert the following:

20           "B.(1) The hospital assessment for state Fiscal Year 2022-2023 shall be calculated  
21 as the product of the rates set forth as follows and the respective hospitals inpatient net  
22 patient revenue and outpatient net patient revenue as reported in the Medicare cost report  
23 ending in state fiscal year 2019:

24           (a) Long-term acute care, psychiatric, and rehabilitation hospitals: 1.13% of inpatient  
25 net patient revenue, and 1.13% of outpatient net patient revenue.

26           (b) Hospital Service Districts not included in R.S. 40:1189.1 et seq.: 2.03% of  
27 inpatient net patient revenue up to one hundred twenty-five million dollars, and 2.03% of  
28 outpatient net patient revenue up to one hundred twenty-five million dollars.

29           (c) All other acute care hospitals: 2.64% of inpatient net patient revenue up to one  
30 hundred twenty-five million dollars, and 2.74% of outpatient net patient revenue up to one  
31 hundred twenty-five million dollars.

32           (d) Hospital Service Districts not included in R.S. 40:1189.1 et seq., and all other  
33 acute care hospitals: 1.13% of inpatient net patient revenue exceeding one hundred twenty-  
34 five million dollars, and 1.13% of outpatient revenue exceeding one hundred twenty-five  
35 million dollars.

36           (2) Non-rural, small urban private acute hospitals with forty licensed beds or less,  
37 either as reported in the Medicare cost report ending in state fiscal year 2019 or as licensed

1 by the Louisiana Department of Health, freestanding psychiatric Medicaid disproportionate  
 2 share hospitals, and rural hospitals as defined in R.S. 40:1189.1, et seq., shall be exempt and  
 3 excluded from the levy of any assessment implemented pursuant to this Subsection.

4 (3) An assessment pursuant to this Subsection shall only be levied for the quarters  
 5 that directed payments are actually paid to hospitals pursuant to 42 CFR 438.6 directed  
 6 payment arrangements as approved by the Centers for Medicare and Medicaid Services.

7 C. In the event the Centers for Medicare and Medicaid Services approves an  
 8 assessment that is different from the provisions set forth in this Section, the Louisiana  
 9 Department of Health shall seek ratification of such changes from the Joint Legislative  
 10 Committee on the Budget prior to the levy of an approved assessment.

11 D. Until such time that an assessment is levied in accordance with this Section, the  
 12 Louisiana Department of Health shall continue the hospital assessment in the same manner  
 13 as set forth in House Concurrent Resolution 2 of the 2021 Regular Session of the Louisiana  
 14 Legislature."

15 AMENDMENT NO. 5

16 On page 3, line 16, before "Louisiana", delete "The" and insert "A. Upon the  
 17 implementation of an assessment pursuant to Section I of this Resolution, the"

18 AMENDMENT NO. 6

19 On page 3, between lines 17 and 18, insert the following:

20 "(1) Implementation of directed payments pursuant to 42 CFR 438.6 utilizing a  
 21 uniform percentage increase methodology for both acute and post-acute hospitals. For acute  
 22 care hospitals, the methodology shall be implemented in the manner set forth in the directed  
 23 payment arrangement submitted to the Centers for Medicare and Medicaid Services on  
 24 March 31, 2022. For post-acute care hospitals, subject to an approved change or  
 25 modification required by CMS, the uniform percentage increases shall be as follows:

26 (a) Long-term acute care hospitals: inpatient service reimbursements shall receive  
 27 a uniform increase of 22.8% and outpatient service reimbursements shall receive a uniform  
 28 increase of 181.5%.

29 (b) Freestanding psychiatric hospitals not otherwise excluded from the levy and  
 30 collection of an assessment pursuant to this Resolution: inpatient service reimbursements  
 31 shall receive a uniform increase of 21.9% and outpatient service reimbursements shall  
 32 receive a uniform increase of 2.8%.

33 (c) Freestanding rehabilitation hospitals: inpatient service reimbursements shall  
 34 receive enhancements of 28.4% and outpatient service reimbursements shall receive a  
 35 uniform increase of 191.7%."

36 AMENDMENT NO. 7

37 On page 3, line 18, change "A." to "(2)"

38 AMENDMENT NO. 8

39 On page 3, line 22, change "B." to "(3)"

40 AMENDMENT NO. 9

41 On page 3, between lines 24 and 25, insert the following:

42 "B. The Louisiana Department of Health shall publish, on a publicly accessible  
 43 website of the department, the approved Centers for Medicare and Medicaid Services  
 44 directed payment arrangements within ten days of receiving approval. In the event the  
 45 Centers for Medicare and Medicaid Services approves the acute care hospital preprint in a  
 46 manner that is different from the provisions contained in the initial 42 CFR 438.6 preprint  
 47 submitted on March 31, 2022, or approves a post-acute preprint with uniform percentages

1 that are different from those contained in this Resolution, the department shall seek  
2 ratification of the changes from the Joint Legislative Committee on the Budget prior to  
3 implementation.

4 C. Until such time that the reimbursement enhancements set forth in Subsection A  
5 of this Section are implemented, the Louisiana Department of Health shall continue the  
6 reimbursement enhancement set forth in House Concurrent Resolution 2 of the 2021 Regular  
7 Session of the Louisiana Legislature.

8 D. The Louisiana Department of Health shall publish on a quarterly basis, no later  
9 than thirty days after the end of each quarter, a report containing data directly related to the  
10 reimbursement enhancements provided for in this Resolution. The report shall include the  
11 following:

12 (1) Total Medicaid enrollment on a monthly basis.

13 (2) The average monthly premium paid to managed care organizations providing  
14 benefits and services to eligible Medicaid enrollees and the portion of premium related to  
15 hospital payments included in this assessment.

16 (3) The aggregate Medicaid claims payment by provider type.

17 (4) The total amount of inpatient and outpatient Medicaid claims paid to hospitals  
18 delineated by each individual hospital Medicaid provider number.

19 (5) The amount of directed payments received by each hospital.

20 (6) Other supplemental payments received by each hospital."

21 AMENDMENT NO. 10

22 On page 3, at the end of line 29, insert the following:

23 "In addition, the Louisiana Department of Health may promulgate any rules and regulations  
24 that are necessary and proper to implement the provisions of this Resolution; however, the  
25 final adoption thereof shall not be required to implement and carry out the provisions of this  
26 Resolution."