

2023 Regular Session

SENATE BILL NO. 39

BY SENATORS BOUDREAUX, BARROW, HARRIS AND HENRY

FUNDS/FUNDING. Establishes the Community Options Waiver Fund and provides for dedication of revenues and use of monies in the fund. (7/1/23)

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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§100.62. Community Options Waiver Fund

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

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

1 **(a) In any fiscal year, after deposits required pursuant to R.S. 39:100.61,**
2 **the state treasurer is directed to deposit twelve percent of the total of recurring**
3 **state general fund revenue as recognized by the Revenue Estimating Conference**
4 **in excess of the official forecast at the beginning of the current fiscal year, not**
5 **to exceed fifty million dollars in any fiscal year, into the fund, and monies in the**
6 **fund from this Subparagraph shall be used for appropriation in the ensuing**
7 **fiscal year.**

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

10 **(2) Monies in the fund shall be invested in the same manner as monies**
11 **in the state general fund. Interest earned on investment of monies in the fund**
12 **shall be credited to the fund. Unexpended and unencumbered monies in the**
13 **fund at the end of the fiscal year shall remain in the fund.**

14 **(3) For the purposes of this Section, "waiver services" means Medicaid**
15 **services provided under the Community Choices Waiver or the Adult Day**
16 **Health Care Waiver or any other Medicaid home and community-based service**
17 **for persons with adult-onset disabilities as promulgated by rule by the**
18 **Louisiana Department of Health. The Louisiana Department of Health shall**
19 **consult with stakeholders representing persons with adult-onset disabilities to**
20 **develop a plan for appropriations out of the fund.**

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

28 Section 2. This Act shall become effective July 1, 2023. If vetoed by the governor
29 and subsequently approved by the legislature, this Act shall become effective on July 1,

1 2023, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

SB 39 Engrossed

2023 Regular Session

Boudreaux

Proposed law establishes the Community Options Waiver Fund to provide additional revenues for Medicaid services provided under the Community Choices Waiver or the Adult Day Health Care Waiver or any other Medicaid home-and community-based service for persons with adult-onset disabilities. Requires the treasurer to annually deposit into the fund an amount equal to 12% of 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 million 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 stakeholders representing persons with adult-onset disabilities to develop a plan for use of fund monies.

Effective July 1, 2023.

(Adds R.S. 39:100.62)