

Regular Session, 2011

SENATE BILL NO. 176

BY SENATOR HEITMEIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/HOSPITALS DEPT. Requires DHH to develop and maintain an upper payment limit financing methodology for all health care providers licensed by DHH. (gov sig)

1 AN ACT

2 To enact Part LXX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 40:1300.331, relative to Medicaid; to provide for an upper  
4 payment limit financing mechanism for certain health care providers; to provide for  
5 rules and regulations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part LXX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of  
8 1950, comprised of R.S. 40:1300.331, is hereby enacted to read as follows:

9 **PART LXX. HEALTH CARE PROVIDERS UPPER PAYMENT LIMIT**

10 **FINANCING METHODOLOGY**

11 **§1300.331. Health care providers; upper payment limit**

12 **A. The Department of Health and Hospitals may develop and maintain**  
13 **a Medicaid upper payment limit financing methodology which incorporates any**  
14 **health care provider licensed by the Department of Health and Hospitals. The**  
15 **purpose of developing an upper payment limit financing methodology is to**  
16 **enhance the delivery of health care services to the uninsured and Medicaid**  
17 **patients. Any such upper payment limit financing methodology shall be in**

1 **accordance with federal law and subject to approval by the Centers for**  
2 **Medicare and Medicaid Services.**

3 **B. The department may submit waivers or state plan amendments to the**  
4 **Centers for Medicare and Medicaid Services in order to secure federal financial**  
5 **participation in relation to any such upper payment limit financing**  
6 **methodology. Disbursements of monies generated by the use of an upper**  
7 **payment limit methodology shall be made only in accordance with an approved**  
8 **waiver or state plan amendment.**

9 Section 2. This Act shall become effective upon signature by the governor or, if not  
10 signed by the governor, upon expiration of the time for bills to become law without signature  
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
13 effective on the day following such approval.

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

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#### DIGEST

Proposed law provides for the creation and maintenance of a Medicaid upper payment limit financing methodology which incorporates any health care provider licensed by the Department of Health and Hospitals.

Proposed law provides that DHH may submit waivers or state plan amendments to CMS in order to secure federal financial participation in relation to any such upper payment limit financing methodology. Proposed law further provides that any disbursements of monies generated by the use of an upper payment limit methodology shall be made only in accordance with an approved waiver or state plan amendment.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1300.331)