

Regular Session, 2013

SENATE BILL NO. 76

BY SENATOR BUFFINGTON

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

FUNDS/FUNDING. Provides for use of monies in the Louisiana Medical Assistance Trust Fund. (gov sig)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To amend and reenact R.S. 46:2623, relative to the Louisiana Medical Assistance Trust Fund; to provide for sub-accounts within the fund; to provide for the use of the fund; to provide for the disposition of health care provider fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2623 is hereby amended and reenacted to read as follows:

§2623. Louisiana Medical Assistance Trust Fund

A. There is hereby established as a special fund in the state treasury the Louisiana Medical Assistance Trust Fund, hereinafter referred to as the "fund", which shall consist of monies generated by the fees on providers of health care services collected under the authority of R.S. 46:2625. The monies in the fund shall be available for appropriation by the legislature to the Medicaid program solely ~~in order to accomplish the purposes of this Chapter~~ **as provided for in Subsection C of this Section**. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned from the investment of monies in the fund shall be deposited in and remain to the credit of the

1 fund. All unexpended and unencumbered monies remaining in the fund at the close  
2 of each fiscal year shall remain in the fund.

3 B. ~~The monies from the fund as appropriated by the legislature shall be used~~  
4 ~~and expended under the supervision of the secretary of the Department of Health and~~  
5 ~~Hospitals for the Medicaid program.~~ **(1) Within the fund there shall be segregated**  
6 **sub-accounts, one for each health care provider group that pays fees pursuant**  
7 **to R.S. 46:2625. Monies collected from each health care provider group shall**  
8 **accrue to the sub-account of that health care provider group.**

9 **(2) Monies shall be allocated, with accompanying federal matching**  
10 **money, to each of the health care provider groups in proportion to the amount**  
11 **of fees collected in each sub-account, based upon fees established by the**  
12 **Department of Health and Hospitals pursuant to R.S. 46:2625. Such allocation**  
13 **shall be calculated using collections data from the most recent four quarters for**  
14 **which data is available prior to the state fiscal year for which the allocation will**  
15 **be made.**

16 **C.(1) Notwithstanding any other provisions of this Chapter, the**  
17 **legislature shall be authorized to appropriate as state funds to the department**  
18 **for use in any fiscal year, all revenues dedicated and deposited into each**  
19 **segregated sub-account. Such appropriations shall be made for the sole purpose**  
20 **to obtain federal financial participation in the provision of support to health**  
21 **care provider groups listed in R.S. 46:2625. Any appropriation from the**  
22 **segregated sub-accounts for any purpose other than medical assistance**  
23 **payments to health care provider groups listed in R.S. 46:2625 shall be void.**

24 **(2) Appropriations from monies generated by health care provider group**  
25 **fees, including federal financial participation on those fees shall be expended as**  
26 **follows: for the fiscal year commencing July 1, 2013, and fiscal years thereafter,**  
27 **all of such appropriations in each sub-account shall be used for the purpose of**  
28 **Medicaid reimbursement payments to the health care provider groups**  
29 **generating those fees listed in R.S. 46:2625.**

1           ~~C.~~ **D.** The monies in the fund shall not be used to displace, replace, or  
 2           supplant appropriations from the state general fund for the Medicaid program below  
 3           the amount of state general fund appropriations to the agency for the ~~1992-1993~~  
 4           2012-2013 Fiscal Year.

5           ~~D.~~ **E.** The state treasurer shall report the status of the fund **and its sub-**  
 6           **accounts** at least quarterly to the secretary of the Department of Health and  
 7           Hospitals **and the Joint Legislative Committee on the Budget.**

8           ~~E. Use of the monies in the fund shall be limited to those programs for which~~  
 9           ~~federal financial participation under Title XIX of the Social Security Act is available.~~

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

---

The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

---

#### DIGEST

Buffington (SB 76)

Present law provides for the Louisiana Medical Assistance Trust Fund and how monies from the fund as appropriated by the legislature shall be used and expended under the supervision of the secretary of the Department of Health and Hospitals (DHH) for the Medicaid program.

Proposed law amends present law to provide for within the fund there shall be segregated sub-accounts, one for each health care provider group that pays fees pursuant to present law. Proposed law provides monies collected from each health care provider group shall accrue to the sub-account of that health care provider group. Proposed law provides monies shall be allocated, with accompanying federal matching money, to each of the health care provider groups in proportion to the amount of fees collected in each sub-account, based upon fees established by DHH pursuant to present law, and such allocation shall be calculated using collections data from the most recent four quarters where data is available prior to the state fiscal year for which the allocation will be made.

Proposed law provides the legislature shall be authorized to appropriate as state funds to the department for use in any fiscal year, all revenues dedicated and deposited into each segregated sub-account. Proposed law provides such appropriations shall be made for the sole purpose to obtain federal financial participation in the provision of support to health care provider groups listed in present law. Proposed law provides any appropriation from the segregated sub-account for any purpose other than medical assistance payments to health care provider groups listed in present law shall be void. Appropriations from monies generated by health care provider group fees, including federal financial participation on

those fees, shall be expended as follows:

For the first year commencing July 1, 2013, and fiscal years thereafter, all of such appropriations in each sub-account shall be used for the purpose of Medicaid reimbursement payments to the health care provider groups generating those fees listed in present law.

Proposed law amends present law to provide the monies in the fund shall not be used to displace, replace, or supplant appropriations from the state general fund for the Medicaid program below the amount of state general fund appropriations to the agency for the 2012-2013 Fiscal Year.

Proposed law amends present law to provide the state treasurer shall report the status of the fund and its sub-accounts at least quarterly to the secretary of DHH and the Joint Legislative Committee on the Budget.

Proposed law amends present law to remove the requirement that use of the monies in the fund shall be limited to those programs for which federal financial participation under Title XIX of the Social Security Act is available.

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

(Amends R.S. 46:2623)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Relative to appropriations from the La. Medical Assistance Trust Fund and monies generated by provider groups which are segregated into sub-accounts, changes the implementation date from a three year phase-in to full implementation July 1, 2013.
2. Prohibits using monies in the fund to displace, replace, or supplant appropriations from the state general fund for the Medicaid program below the amount of such funds for the 2012-2013 Fiscal Year.

##### Senate Floor Amendments to engrossed bill

1. Removes any reference in the bill to changing the amount of provider fees.
2. Legislative Bureau technical amendments.