

Regular Session, 2014

HOUSE BILL NO. 759

BY REPRESENTATIVE NORTON

MEDICAID: Requires that La. Medicaid eligibility standards conform to those established by the Affordable Care Act

1 AN ACT

2 To enact Chapter 8-B of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 46:979.11 through 979.13, relative to the medical assistance program; to  
4 prescribe medical assistance program eligibility criteria; to require state participation  
5 in the expansion of medical assistance program eligibility provided in federal law;  
6 to provide for definitions; to provide for legislative findings and intent; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 8-B of Title 46 of the Louisiana Revised Statutes of 1950,  
10 comprised of R.S. 46:979.11 through 979.13, is hereby enacted to read as follows:

11 CHAPTER 8-B. FEDERALLY PROVIDED

12 MEDICAL ASSISTANCE PROGRAM EXPANSION

13 §979.11. Definitions

14 As used in this Chapter, the following terms have the meaning ascribed to  
15 them in this Section:

16 (1) "ACA" and "Affordable Care Act" mean the following acts of congress,  
17 collectively:

18 (a) The Patient Protection and Affordable Care Act, which originated as H.R.  
19 3590 in the One Hundred Eleventh United States Congress and became Public Law  
20 111-148.

1           **(b) The Health Care and Education Reconciliation Act, which originated as**  
2           **H.R. 4872 in the One Hundred Eleventh United States Congress and became Public**  
3           **Law 111-152.**

4           **(2) "Centers for Medicare and Medicaid Services" means the division of the**  
5           **United States Department of Health and Human Services which administers and**  
6           **regulates the Medicaid program.**

7           **(3) "Department" means the Department of Health and Hospitals.**

8           **(4) "Medicaid" and "medical assistance program" mean the medical**  
9           **assistance program provided for in Title XIX of the Social Security Act.**

10           **(5) "Secretary" means the secretary of the Department of Health and**  
11           **Hospitals.**

12           **§979.12. Legislative findings; purpose**

13           **A. The Legislature of Louisiana hereby finds and declares the following:**

14           **(1) The Affordable Care Act, referred to hereafter in this Chapter as the**  
15           **"ACA", sets forth health policy reforms that reshape the way virtually all Americans**  
16           **will receive and finance their health care.**

17           **(2) In a decision announced on June 28, 2012, the Supreme Court of the**  
18           **United States in *National Federation of Independent Business Et Al. v. Sebelius,***  
19           ***Secretary of Health and Human Services, Et Al.* upheld the overall constitutionality**  
20           **of the ACA; but in the same ruling, a majority of the court held that the mandatory**  
21           **expansion of Medicaid eligibility as provided in the ACA is unconstitutionally**  
22           **coercive of states, thereby making participation in the Medicaid expansion a**  
23           **voluntary proposition for each state.**

24           **(3) The Legislative Fiscal Office estimated in 2013 that had Louisiana**  
25           **implemented Medicaid expansion beginning January 1, 2014, the State General Fund**  
26           **savings to result from the expansion would have been one hundred six million to one**  
27           **hundred eleven million dollars per year from 2014 through 2018, totaling five**  
28           **hundred thirty-two million to five hundred fifty-four million dollars in State General**  
29           **Fund savings for the period.**

1           (4) The legislature declares that due to compelling moral and economic  
2           reasons, participation in the expansion of Medicaid eligibility is in the best interest  
3           of this state.

4           B. The purposes of this state in expanding Medicaid eligibility to conform  
5           to the standards established by the ACA, as provided in this Chapter, are as follows:

6           (1) To maximize the number of Louisianians who are covered by some form  
7           of health insurance.

8           (2) To provide basic health coverage to the working poor of the state who  
9           are not offered insurance through their employer and do not earn enough money to  
10          meet basic family needs and pay for private health insurance.

11          (3) To assure health care providers who serve low- to moderate-income  
12          persons of some amount of compensation for the care they provide, as the ACA  
13          provides for a dramatic reduction in funding to federal programs which currently  
14          finance care for the uninsured as a means of financing the Medicaid expansion.

15          (4) To avert the economic and human costs of crises in both access to health  
16          care and health services financing which are likely to result from not participating  
17          in the expansion of Medicaid while other federal sources of financing for medical  
18          care for the uninsured and the indigent are being drastically reduced or eliminated.

19          §979.13. Expansion of Medicaid eligibility; duties of the secretary of the  
20          Department of Health and Hospitals

21          On or before October 1, 2014, the secretary of the department shall take all  
22          of the following actions in order to expand Medicaid eligibility:

23          (1) File a Medicaid state plan amendment with the Centers for Medicare and  
24          Medicaid Services to provide that eligibility standards for medical assistance  
25          program benefits in Louisiana conform to the minimum eligibility standards as  
26          provided in the Patient Protection and Affordable Care Act (P.L. 111-148) and  
27          codified in federal regulations relative to medical assistance program coverage (42  
28          CFR 435.119).

1                   (2) Promulgate all rules and regulations in accordance with the  
2                   Administrative Procedure Act as are necessary to implement the provisions of this  
3                   Chapter.

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

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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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Norton

HB No. 759

**Abstract:** Requires that La. Medicaid eligibility standards conform to those established by the Affordable Care Act.

Proposed law requires the secretary of the Dept. of Health and Hospitals to take actions on or before Oct. 1, 2014, as are necessary to cause this state's participation in the expansion of Medicaid eligibility as provided by the Affordable Care Act (ACA). Provides that such actions shall include:

- (1) Filing the Medicaid state plan amendment necessary to expand eligibility in accordance with proposed law.
- (2) Promulgating all rules and regulations as are necessary to expand Medicaid eligibility in accordance with proposed law.

Proposed law declares that the purposes of the state in expanding Medicaid eligibility as provided in proposed law are as follows:

- (1) To maximize the number of Louisianians who are covered by some form of health insurance.
- (2) To provide basic health coverage to the working poor of the state who are not offered insurance through their employer and do not earn enough money to meet basic family needs and pay for private health insurance.
- (3) To assure health care providers who serve low- to moderate-income persons of some amount of compensation for the care they provide, as the ACA provides for a dramatic reduction in funding to federal programs which currently finance care for the uninsured as a means of financing the Medicaid expansion.
- (4) To avert the economic and human costs of crises in both access to health care and health services financing which are likely to result from not participating in the expansion of Medicaid while other federal sources of financing for medical care for the uninsured and the indigent are being drastically reduced or eliminated.

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

(Adds R.S. 46:979.11-979.13)