

2016 Regular Session

SENATE BILL NO. 38

BY SENATOR GATTI

MEDICAID. Provides with respect to payment of nonemergency services rendered in an emergency room to certain patients. (8/1/16)

1 AN ACT

2 To enact R.S. 46:450.7, relative to Medicaid; to provide for reimbursement for  
3 nonemergency services provided to Medicaid recipients; to provide for definitions;  
4 to authorize the department to promulgate rules and regulations; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:450.7 is hereby enacted to read as follows:

8 **§46:450.7. Reimbursement for nonemergency services provided to Medicaid**  
9 **recipients by hospital emergency rooms or emergency**  
10 **departments**

11 **A. The Department of Health and Hospitals shall not reimburse a**  
12 **hospital emergency room or emergency department at the rate established for**  
13 **emergent care if the Medicaid recipient receiving such care presents for**  
14 **nonemergency services. All nonemergent services rendered at a hospital**  
15 **emergency room or emergency department shall be reimbursed at the same rate**  
16 **paid for outpatient clinic services.**

17 **B. For purposes of this Section, the following definitions shall apply**

1 unless the context clearly indicates otherwise:

2 (1) "Nonemergency services" means services provided by a hospital  
3 emergency room or emergency department for the treatment of any medical  
4 condition other than an "emergency medical condition" as defined in this  
5 Subsection.

6 (2) "Emergency medical condition" means a medical condition  
7 manifesting itself by acute symptoms of sufficient severity, including but not  
8 limited to severe pain, that the absence of immediate medical attention could  
9 reasonably be expected to result in any of the following:

10 (a) Placing the health of the patient in serious jeopardy.

11 (b) Placing the health of the patient in serious impairment to bodily  
12 functions.

13 (c) Placing the health of the patient in serious dysfunction of any bodily  
14 organ or part.

15 C. The Department of Health and Hospitals shall promulgate rules and  
16 regulations in accordance with the Administrative Procedure Act to implement  
17 this Section.

18 Section 2. This Act shall become effective on August 1, 2016; if vetoed by the  
19 governor and subsequently approved by the legislature, this Act shall become effective on  
20 August 1, 2016, or on the day following such approval by the legislature, whichever is later.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Christine Arbo Peck.

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SB 38 Original

DIGEST  
2016 Regular Session

Gatti

Proposed law provides that the Department of Health and Hospitals shall not reimburse a hospital emergency room or hospital emergency department at the rate established for emergent care if the Medicaid recipient receiving such care presents for nonemergency services.

Proposed law provides that all nonemergent services rendered at a hospital emergency room or emergency department shall be reimbursed at the same rate paid for outpatient clinic services.

Proposed law defines "nonemergency services" as services provided by a hospital emergency room or emergency department for the treatment of any medical condition other than an

"emergency medical condition".

Proposed law defines "emergency medical condition" as a medical condition manifesting itself by acute symptoms of sufficient severity, including but not limited to severe pain, that the absence of immediate medical attention could reasonably be expected to result in placing the health of the patient in serious jeopardy, in serious impairment to bodily functions, or in serious dysfunction of any bodily organ or part.

Proposed law provides that DHH shall promulgate rules and regulations to implement proposed law.

Effective August 1, 2016.

(Adds R.S. 46:450.7)