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**HOUSE FLOOR AMENDMENTS**

2019 Regular Session

Amendments proposed by Representative Billiot to Reengrossed Senate Bill No. 184 by Senator Milkovich

1 AMENDMENT NO. 1

2 On page 1, line 2, delete "R.S. 40:1061.1.3, relative to abortion;" and insert in lieu thereof  
3 "R.S. 40:1061.1.3 and Part III of Chapter 8 of Title 46 of the Louisiana Revised Statutes of  
4 1950, to be comprised of R.S. 46:977.21 through 977.25, relative to abortion and infants  
5 born with disabilities;"

6 AMENDMENT NO. 2

7 On page 1, line 4, after "effectiveness;" and before "and to" insert "to provide for Medicaid-  
8 funded health services for children with disabilities;"

9 AMENDMENT NO. 3

10 On page 1, at the end of line 7, insert a semicolon ";" and "**referral for health services**"

11 AMENDMENT NO. 4

12 On page 3, between lines 2 and 3, insert the following:

13 **"(5) If a fetal heartbeat is detected in an unborn human being pursuant**  
14 **to the ultrasound procedure required by Subparagraph (1)(a) of this**  
15 **Subsection, then the provider of the ultrasound shall inform the pregnant**  
16 **woman that if her child is born with a developmental, intellectual, or physical**  
17 **disability, then the child will be eligible for the Medicaid-funded health services**  
18 **provided for in R.S. 46:977.21 et seq."**

19 AMENDMENT NO. 5

20 On page 4, between lines 6 and 7, insert the following:

21 "Section 2. Part III of Chapter 8 of Title 46 of the Louisiana Revised Statutes of  
22 1950, comprised of R.S. 46:977.21 through 977.25, is hereby enacted to read as follows:

**PART III. SERVICES FOR CHILDREN WITH DISABILITIES - TEFRA OPTION**

**§977.21. Purpose**

**The purpose of this Part is to provide for the TEFRA option within the Medicaid program of this state through which children with disabilities can access Medicaid-funded services regardless of their parents' income.**

**§977.22. Definitions**

**For purposes of this Part, the following terms have the meaning ascribed in this Section:**

**(1) "Department" means the Louisiana Department of Health.**

**(2) "Medicaid" means the medical assistance program provided for in Title XIX of the Social Security Act.**

**(3) "Secretary" means the secretary of the Louisiana Department of Health.**

**(4) "TEFRA option" means the program authorized under section 134 of the Tax Equity and Fiscal Responsibility Act of 1982 (P.L. 97-248), and provided for more specifically in this Part, which furnishes Medicaid benefits to children with disabilities who are otherwise ineligible for such benefits because the income of their household exceeds state-established limits for Medicaid eligibility.**

**§977.23. TEFRA option established; application to federal Medicaid agency; limitation**

**A. The legislature hereby creates a TEFRA option program in order to protect and promote public health and well-being in this state. The secretary shall develop and submit to the Centers for Medicare and Medicaid Services a Medicaid state plan amendment in order to implement the TEFRA option program. The department shall establish the eligibility factors and benefits of the TEFRA option program in accordance with the requirements and specifications provided in this Part.**

**B. The TEFRA option shall offer coverage exclusively through the Medicaid fee-for-service system unless the department determines that offering TEFRA option coverage to persons enrolled in the Medicaid managed care program would be more cost-effective.**

**§977.24. Eligibility factors; benefits; premium payment program participation**

**A. In order to be eligible for the TEFRA option, a child shall meet all of the following eligibility criteria:**

**(1) He is a Louisiana resident and United States citizen.**

**(2) He is under the age of nineteen.**

**(3) He has a disability that is recognized under the definition of disability utilized in the Supplemental Security Income program of the Social Security Administration, regardless of whether he is eligible to receive benefits under that program.**

**(4) He is ineligible for Medicaid coverage when the income of his parents is considered.**

**(5) Excluding the assets of his parents, he does not have total assets exceeding two thousand dollars in value.**

**(6) Due to his disability, he requires a level of care provided in a hospital, skilled nursing facility, or intermediate care facility; however, care provided outside of such an institution may be appropriate.**

**(7) The cost of his care provided at his home is less than the cost of institutional care.**

**B. The TEFRA option shall provide to eligible children coverage for all Medicaid state plan services.**

**C. To the maximum extent practicable, as determined by the secretary, the department shall include TEFRA option beneficiaries in its health insurance**

1 **premium payment program as a means of maximizing private health insurance**  
2 **coverage of Medicaid enrollees.**

3 **§977.25. Administrative rulemaking**  
4 **The department shall promulgate all such rules in accordance with the**  
5 **Administrative Procedure Act as are necessary to implement the provisions of**  
6 **this Part.**

7 AMENDMENT NO. 6

8 On page 4, at the beginning of line 7, change "Section 2." to "Section 3."