

2020 Regular Session

HOUSE BILL NO. 327

BY REPRESENTATIVE ECHOLS

MEDICAID: Provides relative to Dual Eligible Special Needs Plans for persons dually eligible for Medicare and Medicaid

1 AN ACT

2 To enact Part III-A of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:1252.1 and 1252.2, relative to the medical assistance
4 program of this state known commonly as Medicaid; to provide for duties of the
5 Louisiana Department of Health in administering the state Medicaid program; to
6 provide for health coverage for persons who are dually eligible for Medicare and
7 Medicaid; to require the department to enroll such persons into certain types of
8 specialized health plans; to require the department to complete this enrollment
9 function on or before a certain date; to provide for administrative rulemaking; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Part III-A of Chapter 5-E of Title 40 of the Louisiana Revised Statutes
13 of 1950, comprised of R.S. 40:1252.1 and 1252.2, is hereby enacted to read as follows:

14 PART III-A. PERSONS DUALLY ELIGIBLE FOR MEDICARE AND MEDICAID

15 §1252.1. Definitions

16 As used in this Part, the following terms have the meaning ascribed to them
17 in this Section:

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

19 (2) "Dual Eligible Special Needs Plan" means a health plan regulated by the
20 Centers for Medicare and Medicaid Services into which an individual who is entitled

1 to both health insurance coverage through Medicare and medical assistance through
2 Medicaid may enroll.

3 (3) "Managed care organization" shall have the meaning ascribed in R.S.
4 46:460.51.

5 (4) "Medicaid" means the medical assistance program provided for in Title
6 XIX of the Social Security Act.

7 (5) "Medicare" means the federal health insurance program provided for in
8 Title XVIII of the Social Security Act.

9 §1252.2. Dual Eligible Special Needs Plans; default enrollment

10 A. Upon determining that a Medicaid enrollee is dually eligible for Medicare
11 and Medicaid, the department shall enroll that person into a Dual Eligible Special
12 Needs Plan in accordance with the requirements and limitations provided in this
13 Section.

14 B. All Medicare Advantage plans operating in this state that offer Dual
15 Eligible Special Needs Plans shall be required to enroll persons who are dually
16 eligible for Medicare and Medicaid.

17 C. The department shall enroll eligible persons into Dual Eligible Special
18 Needs Plans in accordance with 42 CFR 422.66(c) and any other applicable federal
19 regulations.

20 D. The department shall promulgate rules and regulations in accordance with
21 the Administrative Procedure Act to provide for implementation of the default
22 enrollment function required by this Section. At minimum, the rules and regulations
23 shall address all of the following:

24 (1) Procedures to accommodate enrollee choice in plan selection.

25 (2) Procedures to limit adverse selection.

26 (3) Procedures to limit enrollee steering in any parish in which two or more
27 Dual Eligible Special Needs Plans are available.

28 (4) Procedures to ensure that in parishes in which two or more Dual Eligible
29 Special Needs Plans are available, the department enrolls persons dually eligible for

1 Medicare and Medicaid into plans on a parish-by-parish basis according to a pro rata
2 distribution.

3 E. The provisions of this Section shall not be construed to require or prohibit
4 the establishment of Dual Eligible Special Needs Plans by managed care
5 organizations.

6 Section 2. The secretary of the Louisiana Department of Health shall take such
7 actions as are necessary to ensure that all persons who are dually eligible for Medicare and
8 Medicaid are enrolled into Dual Eligible Special Needs Plans, as required by the provisions
9 of Section 1 of this Act, on or before December 31, 2020.

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)]

HB 327 Original

2020 Regular Session

Echols

Abstract: Requires the La. Department of Health to enroll persons who are dually eligible for Medicare and Medicaid into Dual Eligible Special Needs Plans.

Proposed law requires the La. Department of Health (LDH) to enroll persons who are dually eligible for Medicare and Medicaid into special federally regulated health plans known as Dual Eligible Special Needs Plans.

Proposed law requires all Medicare Advantage plans operating in this state that offer Dual Eligible Special Needs Plans to enroll persons who are dually eligible for Medicare and Medicaid.

Proposed law requires LDH to promulgate rules and regulations for implementing proposed law which address, at minimum, all of the following:

- (1) Procedures to accommodate enrollee choice in plan selection.
- (2) Procedures to limit adverse selection.
- (3) Procedures to limit enrollee steering in any parish in which two or more Dual Eligible Special Needs Plans are available.
- (4) Procedures to ensure that in parishes in which two or more Dual Eligible Special Needs Plans are available, the department enrolls persons dually eligible for Medicare and Medicaid into plans on a parish-by-parish basis according to a pro rata distribution.

Proposed law stipulates that it shall not be construed either to require or to prohibit the establishment of Dual Eligible Special Needs Plans by Medicaid managed care organizations.

Proposed law requires LDH to ensure that all persons who are dually eligible for Medicare and Medicaid are enrolled into Dual Eligible Special Needs Plans, as required by proposed law, on or before Dec. 31, 2020.

(Adds R.S. 40:1252.1 and 1252.2)