

Regular Session, 2010

HOUSE BILL NO. 596

BY REPRESENTATIVES MORRIS AND TUCKER AND SENATOR DONAHUE

MEDICAID: Provides for a copayment requirement in the Medicaid program for all nonemergency services provided by a hospital emergency room or emergency department

1 AN ACT

2 To enact R.S. 46:450.7, relative to emergency room or emergency department copayments;  
3 to provide for the Department of Health and Hospitals to develop a Medicaid  
4 copayment for nonemergency services; to provide for definitions; to provide for  
5 limits; to authorize the department to promulgate rules and regulations; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §450.7. Copayments for nonemergency services provided by hospital emergency  
10 rooms or emergency departments

11 A. The Department of Health and Hospitals shall establish a copayment  
12 requirement in the Medicaid program for all nonemergency services provided by a  
13 hospital emergency room or emergency department, subject to the requirements of  
14 42 U.S.C. §1396o and 42 C.F.R. §447.50 et seq.

15 B. For the purposes of this Section, the following definitions shall apply:

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

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

5                   (i) Placing the health of the patient in serious jeopardy.

6                   (ii) Placing the health of the patient in serious impairment to bodily functions.

7                   (iii) Placing the health of the patient in serious dysfunction of any bodily  
 8           organ or part.

9                   C. The copayment shall be imposed upon all categories of recipients not  
 10           excluded from cost sharing requirements by 42 C.F.R. §447.53(b).

11                   D. The amount of the copayment shall be the maximum nominal amount  
 12           permitted by 42 C.F.R. §447.54(a)(3), including the annual adjustments of that  
 13           maximum as provided therein.

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

#### 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)]

Morris

HB No. 596

**Abstract:** Allows the Dept. of Health and Hospitals (DHH) to establish a copayment requirement in the Medicaid program for all nonemergency services provided by a hospital emergency room or emergency department, subject to certain federal regulations.

Proposed law grants DHH the authority to promulgate rules and regulations establishing a copayment requirement in the Medicaid program for all nonemergency services provided by a hospital emergency room or emergency department, subject to federal requirements.

Proposed law defines "nonemergency services" as services that are provided by a hospital emergency room or emergency department for the treatment of any medical condition that is not an "emergency medical condition".

Proposed law defines "emergency medical condition" as a medical condition manifesting itself by acute symptoms of sufficient severity including severe pain, and further absence of immediate medical attention could be reasonably expected to place the patient's health in

serious jeopardy, in serious impairment to bodily functions, or in serious dysfunction of any bodily organ or part.

Proposed law states that the copayment shall be imposed on all recipients who are not excluded by federal regulation from cost sharing requirements, such as children, pregnant women, and institutionalized individuals.

Proposed law states that the amount of the copayment shall be the maximum nominal amount permitted by federal regulation, including annual adjustments.

Proposed law grants DHH the authority to promulgate rules and regulations to implement proposed law.

(Adds R.S. 46:450.7)