

2015 Regular Session

SENATE BILL NO. 170

BY SENATORS KOSTELKA AND MILLS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAID. Provides relative to Medicaid managed care. (gov sig)

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AN ACT

To enact R.S. 46:460.36, relative to Medicaid managed care; to provide for prescriptions for long term care patients in Medicaid managed care; to prohibit limits on the number of prescriptions available to patients in long term care facilities; to address dispensing requirements for long term care with respect to the dispensing fees payable for such prescriptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:460.36 is hereby enacted to read as follows:

§460.36. Prescriptions for long term care patients

A. This Section shall provide for the following prohibitions:

(1) The department shall be prohibited from placing any limit on the number of prescriptions available to residents of long term care facilities as defined in the Social Security Act or regulations promulgated thereunder.

(2) Any contract between the department and a managed care organization or prepaid coordinated care organization, as defined pursuant to this Part, that establishes or enforces any limit on the number of prescriptions

1 available to residents of long term care facilities as defined in the Social Security
2 Act or regulations promulgated thereunder shall be prohibited.

3 (3) A managed care organization or a prepaid coordinated care
4 organization, as defined pursuant to this Part, shall be prohibited from
5 establishing or enforcing any limit on the number of prescriptions available to
6 residents of long term care facilities as defined in the Social Security Act or
7 regulations promulgated thereunder.

8 B. This Section shall not prohibit any requirement, such as medical
9 necessity, which is otherwise applicable to individual prescriptions.

10 C. The department shall ensure that the dispensing fees paid by a
11 managed care organization and a prepaid coordinated care organization, as
12 defined pursuant to this Part, related to prescriptions provided to patients in
13 long term care facilities are set based on data specific to the costs incurred by
14 such pharmacies in filling such prescriptions, and the amounts of dispensing
15 fees take into account the unique requirements of servicing those patients and
16 the costs related thereto.

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christopher D. Adams.

SB 170 Original DIGEST 2015 Regular Session Kostelka

Proposed law prohibits the following:

- (1) The Department of Health and Hospitals (DHH) cannot place any limit on the number of prescriptions available to residents of long term care facilities as defined in the Social Security Act or regulations promulgated thereunder.
- (2) Any contract between the department and a managed care organization or prepaid coordinated care organization, as defined pursuant to present law, that establishes or enforces any limit on the number of prescriptions available to residents of long term

care facilities as defined in the Social Security Act or regulations promulgated thereunder shall be prohibited.

- (3) A managed care organization or a prepaid coordinated care organization, as defined pursuant to present law, cannot establish or enforce any limit on the number of prescriptions available to residents of long term care facilities as defined in the Social Security Act or regulations promulgated thereunder.

Proposed law does not prohibit any requirement, such as medical necessity, which is otherwise applicable to individual prescriptions.

Proposed law provides DHH shall ensure that the dispensing fees paid by a managed care organization and a prepaid coordinated care organization, as defined pursuant to present law, related to prescriptions provided to patients in long term care facilities are set based on data specific to the costs incurred by such pharmacies in filling such prescriptions, and the amounts of dispensing fees take into account the unique requirements of servicing those patients and the costs related thereto.

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

(Adds R.S. 46:460.36)