

SENATE BILL NO. 76

BY SENATOR BUFFINGTON

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

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AN ACT

To amend and reenact R.S. 46:2623, relative to the Louisiana Medical Assistance Trust Fund; to provide for sub-accounts within the fund; to provide for the use of the fund; to provide for the disposition of health care provider fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2623 is hereby amended and reenacted to read as follows:

§2623. Louisiana Medical Assistance Trust Fund

A. There is hereby established as a special fund in the state treasury the Louisiana Medical Assistance Trust Fund, hereinafter referred to as the "fund", which shall consist of monies generated by the fees on providers of health care services collected under the authority of R.S. 46:2625. The monies in the fund shall be available for appropriation by the legislature to the Medicaid program solely ~~in order to accomplish the purposes of this Chapter~~ **as provided for in Subsection C of this Section**. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned from the investment of monies in the fund shall be deposited in and remain to the credit of the fund. All unexpended and unencumbered monies remaining in the fund at the close of each fiscal year shall remain in the fund.

B. ~~The monies from the fund as appropriated by the legislature shall be used and expended under the supervision of the secretary of the Department of Health and Hospitals for the Medicaid program.~~ **(1) Within the fund there shall be segregated sub-accounts, one for each health care provider group that pays fees pursuant**

1 to R.S. 46:2625. Monies collected from each health care provider group shall
 2 accrue to the sub-account of that health care provider group.

3 (2) Monies shall be allocated, with accompanying federal matching
 4 money, to each of the health care provider groups in proportion to the amount
 5 of fees collected in each sub-account, based upon fees established by the
 6 Department of Health and Hospitals pursuant to R.S. 46:2625. Such allocation
 7 shall be calculated using collections data from the most recent four quarters for
 8 which data is available prior to the state fiscal year for which the allocation will
 9 be made.

10 C.(1) Notwithstanding any other provisions of this Chapter, the
 11 legislature shall be authorized to appropriate as state funds to the department
 12 for use in any fiscal year, all revenues dedicated and deposited into each
 13 segregated sub-account. Such appropriations shall be made for the sole purpose
 14 to obtain federal financial participation in the provision of support to health
 15 care provider groups listed in R.S. 46:2625. Any appropriation from the
 16 segregated sub-accounts for any purpose other than medical assistance
 17 payments to health care provider groups listed in R.S. 46:2625 shall be void.

18 (2) Appropriations from monies generated by health care provider group
 19 fees, including federal financial participation on those fees shall be expended as
 20 follows: for the fiscal year commencing July 1, 2013, and fiscal years thereafter,
 21 all of such appropriations in each sub-account shall be used for the purpose of
 22 Medicaid reimbursement payments to the health care provider groups
 23 generating those fees listed in R.S. 46:2625.

24 ~~€~~ D. The monies in the fund shall not be used to displace, replace, or
 25 supplant appropriations from the state general fund for the Medicaid program below
 26 the amount of state general fund appropriations to the agency for the ~~1992-1993~~
 27 2012-2013 Fiscal Year.

28 ~~Ð~~ E. The state treasurer shall report the status of the fund and its sub-
 29 accounts at least quarterly to the secretary of the Department of Health and
 30 Hospitals and the Joint Legislative Committee on the Budget.

1 E. Use of the monies in the fund shall be limited to those programs for which
2 federal financial participation under Title XIX of the Social Security Act is available.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____