

2021 Regular Session

HOUSE BILL NO. 186

BY REPRESENTATIVE BACALA

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

STATE AGENCIES: Provides for state agency partnerships to improve Medicaid administration and program integrity

1 AN ACT  
2 To enact R.S. 36:254(D)(2)(e) and (f) and 460 and R.S. 46:236.1.1(17) and 236.9.1, relative  
3 to interagency agreements between departments of the executive branch of state  
4 government concerning certain public assistance programs; to provide relative to  
5 administration by the Louisiana Department of Health of the medical assistance  
6 program of this state known as Medicaid; to provide relative to administration by the  
7 Department of Children and Family Services of the child support enforcement  
8 program of this state; to require the Louisiana Department of Health and the  
9 Department of Revenue to enter into agreements to carry out certain Medicaid  
10 program integrity functions; to require the Louisiana Department of Health and the  
11 Department of Children and Family Services to enter into agreements concerning the  
12 use of certain child support payments to offset Medicaid costs; to provide  
13 specifications for the content of such interagency agreements; to provide for  
14 incentive payments from the Louisiana Department of Health to the Department of  
15 Children and Family Services for certain purposes; to provide relative to interagency  
16 data sharing; to provide for reports to the legislature; and to provide for related  
17 matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 36:254(D)(2)(e) and (f) and 460 are hereby enacted to read as  
20 follows:

1 §254. Powers and duties of the secretary of the Louisiana Department of Health

2 \* \* \*

3 D.

4 \* \* \*

5 (2) Except as otherwise limited by a specific provision of law, the secretary  
6 is authorized to perform all of the following relative to or concerning the Medical  
7 Assistance Program:

8 \* \* \*

9 (e) Cause the department to enter into an annual memorandum of  
10 understanding, cooperative endeavor, or other type of agreement with the  
11 Department of Revenue for the program integrity functions provided for in R.S.  
12 36:460.

13 (f) Cause the department to enter into an annual memorandum of  
14 understanding, cooperative endeavor, or other type of agreement with the  
15 Department of Children and Family Services for the interagency incentive program  
16 provided for in R.S. 46:236.9.1.

17 \* \* \*

18 §460. Department of Revenue; interagency agreements for Medicaid program  
19 integrity; reporting

20 A. The Department of Revenue and the Louisiana Department of Health  
21 shall annually enter into a memorandum of understanding, cooperative endeavor, or  
22 other type of agreement for Medicaid program integrity functions that conform with  
23 the requirements and specifications provided in this Section.

24 B. The agreements provided for in this Section shall require the Louisiana  
25 Department of Health to furnish to the Department of Revenue identifying  
26 information of each child who is enrolled in the Medicaid program of this state and  
27 identifying information of the custodial parent or parents of each such child.

28 C. The Department of Revenue shall examine income tax returns to identify  
29 any Medicaid-enrolled child who is claimed as a dependent by someone other than

1 a custodial parent of the child and shall identify each such child to the Louisiana  
2 Department of Health.

3 D. Each agreement that the Department of Revenue and Louisiana  
4 Department of Health enter into pursuant to this Section shall set forth standards and  
5 protocols for the transfer of data required by Subsections B and C of this Section.

6 E. On or before January 1, 2022, and annually thereafter, the Department of  
7 Revenue shall report to the legislature all of the following data, which shall consist  
8 of statistical information exclusively and contain no identifying information of any  
9 individual:

10 (1) The number of children enrolled in Medicaid who are claimed as  
11 dependents by someone other than a custodial parent.

12 (2) With respect to children enrolled in Medicaid who are claimed as  
13 dependents by someone other than a custodial parent, all of the following data:

14 (a) The number of such children who are claimed as dependents by tax filers,  
15 other than custodial parents, who have federal adjusted gross income of less than  
16 twenty thousand dollars.

17 (b) The number of such children who are claimed as dependents by tax filers,  
18 other than custodial parents, who have federal adjusted gross income of at least  
19 twenty thousand dollars but less than thirty thousand dollars.

20 (c) The number of such children enrolled in Medicaid who are claimed as  
21 dependents by tax filers, other than custodial parents, who have federal adjusted  
22 gross income of at least thirty thousand dollars but less than forty thousand dollars.

23 (d) The number of such children enrolled in Medicaid who are claimed as  
24 dependents by tax filers, other than custodial parents, who have federal adjusted  
25 gross income of at least forty thousand dollars but less than fifty thousand dollars.

26 (e) The number of such children enrolled in Medicaid who are claimed as  
27 dependents by tax filers, other than custodial parents, who have federal adjusted  
28 gross income of at least fifty thousand dollars but less than sixty thousand dollars.

1           (f) The number of such children enrolled in Medicaid who are claimed as  
2           dependents by tax filers, other than custodial parents, who have federal adjusted  
3           gross income of at least sixty thousand dollars but less than seventy thousand dollars.

4           (g) The number of such children enrolled in Medicaid who are claimed as  
5           dependents by tax filers, other than custodial parents, who have federal adjusted  
6           gross income of at least seventy thousand dollars but less than eighty thousand  
7           dollars.

8           (h) The number of such children enrolled in Medicaid who are claimed as  
9           dependents by tax filers, other than custodial parents, who have federal adjusted  
10           gross income of at least eighty thousand dollars but less than ninety thousand dollars.

11           (i) The number of such children enrolled in Medicaid who are claimed as  
12           dependents by tax filers, other than custodial parents, who have federal adjusted  
13           gross income of at least ninety thousand dollars but less than one hundred thousand  
14           dollars.

15           (j) The number of such children enrolled in Medicaid who are claimed as  
16           dependents by tax filers, other than custodial parents, who have federal adjusted  
17           gross income of one hundred thousand dollars or more.

18           Section 2. R.S. 46:236.1.1(17) and 236.9.1 are hereby enacted to read as follows:

19           §236.1.1. Family and child support programs; definitions

20                     For the purposes of this Subpart, the following items shall mean:

21   \*       \*       \*

22                     (17) "Medicaid" means the medical assistance program provided for in Title  
23                     XIX of the Social Security Act.

24   \*       \*       \*

25                     §236.9.1. Child support payments to offset Medicaid costs; interagency incentive  
26                     program

27                     A. The Department of Children and Family Services and the Louisiana  
28                     Department of Health shall annually enter into a memorandum of understanding,  
29                     cooperative endeavor, or other type of agreement as may be necessary to implement

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 a program wherein payments collected under the authority of this Subpart are used  
2 to offset state Medicaid costs. Such program shall conform with the requirements  
3 and specifications provided in this Section.

4 B.(1) With respect to child support and cash medical support payments  
5 collected from any noncustodial parent of a child or children enrolled in the state  
6 Medicaid program, the Department of Children and Family Services shall determine  
7 the maximum amount of such payments that may be remitted to the Louisiana  
8 Department of Health for the purpose of offsetting the state share of Medicaid  
9 program costs, as determined by the Louisiana Department of Health, for all  
10 Medicaid-enrolled children of the noncustodial parent.

11 (2) Each agreement required by Subsection A of this Section shall provide  
12 for remittance by the Department of Children and Family Services to the Louisiana  
13 Department of Health, in connection with the case of each noncustodial parent of a  
14 child or children enrolled in the state Medicaid program, of either of the following  
15 amounts:

16 (a) The maximum amount of child support and cash medical support  
17 payments as determined in accordance with Paragraph (1) of this Subsection if the  
18 amount is less than the state share of Medicaid program costs for all Medicaid-  
19 enrolled children of the noncustodial parent.

20 (b) An amount equal to the state share of Medicaid program costs for all  
21 Medicaid-enrolled children of the noncustodial parent.

22 (3) For purposes of this Subsection, "child support and cash medical support  
23 payments" shall encompass payments collected from noncustodial parents through  
24 any means authorized in this Subpart, including, without limitation, the program  
25 administered cooperatively with the Department of Revenue in accordance with R.S.  
26 46:236.9.

27 C. Each agreement required by Subsection A of this Section shall provide  
28 for an annual incentive payment by the Louisiana Department of Health to the  
29 Department of Children and Family Services in an amount that does not exceed

1           fifteen percent of the total of remittances made under the prior agreement, in  
2           accordance with Paragraph (B)(2) of this Section, to offset state Medicaid costs.

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## 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)]

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HB 186 Original

2021 Regular Session

Bacala

**Abstract:** Requires interagency agreements between the La. Dept. of Health and the Dept. of Revenue, and between the La. Dept. of Health and the Dept. of Children and Family Services, relative to administration of the Medicaid and child support enforcement programs.

Present law provides for powers and duties of the secretary of the La. Dept. of Health (LDH). Proposed law retains present law and adds thereto requirements that the secretary of LDH cause the department to enter into the agreements with the Dept. of Revenue (LDR) and the Dept. of Children and Family Services (DCFS) provided for in proposed law.

Proposed law requires LDR and LDH to enter into annual memoranda of understanding, cooperative endeavors, or other types of agreements for Medicaid program integrity functions that conform with the requirements of proposed law.

Proposed law stipulates that the agreements between LDR and LDH shall require LDH to furnish to LDR identifying information of each child who is enrolled in the Medicaid program of this state and identifying information of the custodial parent or parents of each such Medicaid-enrolled child.

Proposed law requires LDR to examine income tax returns to identify any Medicaid-enrolled child who is claimed as a dependent by someone other than a custodial parent of the child. Requires that LDR identify each such child to LDH.

Proposed law provides that each agreement that LDR and LDH enter into pursuant to proposed law shall set forth standards and protocols for the transfer of data required by proposed law.

Proposed law requires that on or before Jan. 1, 2022, and annually thereafter, LDR shall report to the legislature all of the following data, which shall consist of statistical information exclusively and contain no identifying information of any individual:

- (1) The number of children enrolled in Medicaid who are claimed as dependents by someone other than a custodial parent.
- (2) With respect to children enrolled in Medicaid who are claimed as dependents by someone other than the custodial parent, the number of such children who are claimed as dependents by tax filers who have federal adjusted gross income in each of the following ranges:
  - (a) Less than \$20,000.
  - (b) At least \$20,000 but less than \$30,000.
  - (c) At least \$30,000 but less than \$40,000.

- (d) At least \$40,000 but less than \$50,000.
- (e) At least \$50,000 but less than \$60,000.
- (f) At least \$60,000 but less than \$70,000.
- (g) At least \$70,000 but less than \$80,000.
- (h) At least \$80,000 but less than \$90,000.
- (i) At least \$90,000 but less than \$100,000.
- (j) \$100,000 or more.

Proposed law requires DCFS and LDH to enter into annual memoranda of understanding, cooperative endeavors, or other types of agreements as may be necessary to implement a program wherein payments collected through the state child support enforcement program are used to offset state Medicaid costs.

Proposed law provides that with respect to child support and cash medical support payments collected from any noncustodial parent of a child or children enrolled in the state Medicaid program, DCFS shall determine the maximum amount of such payments that may be remitted to LDH for the purpose of offsetting the state share of Medicaid program costs for all Medicaid-enrolled children of the noncustodial parent.

Proposed law provides that the agreements between DCFS and LDH required by proposed law shall provide for remittance by DCFS to LDH, in connection with the case of each noncustodial parent of a child or children enrolled in the state Medicaid program, of either of the following amounts:

- (1) The maximum amount of child support and cash medical support payments that may be remitted to LDH to offset Medicaid costs if the amount is less than the state share of Medicaid costs for all Medicaid-enrolled children of the noncustodial parent.
- (2) An amount equal to the state share of Medicaid program costs for all Medicaid-enrolled children of the noncustodial parent.

Proposed law stipulates that the agreements between DCFS and LDH required by proposed law shall provide for an annual incentive payment by LDH to DCFS in an amount that does not exceed 15% of the total of remittances to offset state Medicaid costs made under the prior agreement.

(Adds R.S. 36:254(D)(2)(e) and (f) and 460 and R.S. 46:236.1.1(17) and 236.9.1)