

Regular Session, 2003

ACT No. 207

SENATE BILL NO. 305

BY SENATORS SCHEDLER, B. JONES AND BAJOIE AND REPRESENTATIVES DOERGE, DURAND, GUILLORY, ILES, L. JACKSON, M. JACKSON, SCHWEGMANN, SHAW, STRAIN, WALKER AND WELCH

AN ACT

To enact Part XXVI-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.78 through 1299.78.5, relative to the Medicaid Buy-In Program for Persons with Disabilities; to provide for coverage for those receiving Social Security Disability Insurance benefits, but who desire to return to the workforce; to provide definitions; to provide for basic guidelines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XXVI-A of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1299.78 through 1299.78.5, is hereby enacted to read as follows:

PART XXVI-A. MEDICAID BUY-IN PROGRAM FOR PERSONS WITH DISABILITIES

Part XXVI-A is all new law.

§1299.78. Title

R.S. 40:1299.78 is all new law.

This Part may be referred to as the Louisiana Medicaid Buy-In Program for Persons with Disabilities Act.

§1299.78.1. Purpose

R.S. 40:1299.78.1 is all new law.

A. The purpose of this Part is to provide for a Medicaid Buy-In

Program for persons with disabilities in Louisiana. This program is intended to help working people with disabilities live above the poverty level by providing needed health care coverage. This program is also intended to enable some recipients of Supplemental Security Disability Insurance benefits to return to work and to receive Medicaid as a supplement to private or Medicare insurance.

B. This program is intended to help persons with severe mental illnesses who can work if they are on medication and those with severe physical disabilities who need medical supports in order to work.

§1299.78.2. Ticket to Work and Work Incentives Improvement Act
Opportunities

R.S. 40:1299.78.2 is all new law.

In accordance with the authority granted the Department of Health and Hospitals pursuant to R.S. 36:254(A)(6) and (D)(1)(a)(i) and pursuant to the restrictions contained in this Part, the department shall avail itself of the provisions of the Ticket to Work and Work Incentives Improvement Act provisions to implement a buy-in program for the working persons with disabilities.

§1299.78.3. Definitions

R.S. 40:1299.78.3 is all new law.

As used in this Part, the following terms shall have the following meanings:

A. "Persons with Disabilities" means those citizens of Louisiana who meet the Social Security Disability criteria.

B. "Medicaid Buy-In Program" means the Louisiana Medicaid Optional program to provide the opportunity for working persons with disabilities to buy access to needed health care and support services.

§1299.78.4. Buy-In Program Appropriations

R.S. 40:1299.78.4 is all new law.

The provisions of this Part shall not be implemented by the department unless funding and performance standards, including a specified target for enrollment, are included in the General Appropriation Act enacted during the 2003 Regular Session of the Legislature. If included in that Act, the Medicaid Buy-In Program for Persons with Disabilities shall be implemented by the department no later than January, 2004.

§1299.78.5. Provisions

R.S. 40:1299.78.5 is all new law.

A. The Department of Health and Hospitals shall promulgate regulations governing the following:

(1) Procedures for application, application forms and eligibility criteria for the disabled to obtain coverage.

(2) A sliding scale for the buy-in amounts to be paid by the working disabled to maintain Medicaid coverage, while working.

(3) A plan to publicize the eligibility criteria and where applications may be obtained.

(4) Any standards or procedures necessary to properly implement a buy-in program for persons with disabilities.

B. The provisions of this Part shall not prohibit the department from exercising any and all authorities and responsibilities granted to the department under the Medical Assistance Program (Title XIX of the Social Security Act) in the event such authorities and responsibilities are concurrent with the provisions of this Part.

C. Any rules or regulations adopted under the provisions of this

Part shall be promulgated under the Administrative Procedure Act. Any rules or regulations shall be subject to review by the House Committee on Health and Welfare and the Senate Committee on Health and Welfare.

D. Beginning January 1, 2004, and semiannually thereafter and not later than sixty days prior to the beginning of the regular session of the legislature, the department shall submit the following information to the Joint Legislative Committee on the Budget and to the Senate Committee on Health and Welfare and the House Committee on Health and Welfare:

(1) Status of the buy-in program, including the number of enrollees, the estimated cost of the program, and any other information the department deems pertinent to this buy-in program.

(2) A report relative to the estimated value of the state, federal and FICA taxes paid by the participants in the buy-in program.

(3) Any recommendations for expanding coverage in the buy-in program or any other recommendations relative to the requirements of this Part.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____