

DECLARATION OF EMERGENCY

**Department of Health
Bureau of Health Services Financing**

**Medicaid Eligibility
Provisional Medicaid Program Termination
(LAC 50:III.Chapter 2305)**

The Department of Health, Bureau of Health Services Financing repeals LAC 50:III.2305 in the Medical Assistance Program as authorized by R.S. 36:254, pursuant to Title XIX of the Social Security Act, and as directed by Act 3 of the 2017 Second Extraordinary Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

As a result of a budgetary shortfall in state fiscal year (SFY) 2018-2019, the department has determined that it is

necessary to promulgate an Emergency Rule to repeal the provisions governing the Provisional Medicaid Program in order to terminate this optional Medicaid program.

This action is being taken to avoid a budget deficit in the Medical Assistance Program. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$106,579,573 for state fiscal year 2018-2019.

Effective July 1, 2018, Louisiana Department of Health, Bureau of Health Services Financing repeals the provisions governing the Provisional Medicaid Program.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2305. Provisional Medicaid Program

~~—A.—The Provisional Medicaid Program provides Medicaid-only coverage to individuals who:~~

~~—1.—are aged or have a disability; and~~

~~—2.—meet income and resource requirements for supplemental security income (SSI) cash assistance.~~

~~—B.—The Provisional Medicaid Program provides coverage to individuals with income equal to or less than the federal~~

~~benefit rate (FBR), and resources that are equal to or less than the resource limits of the SSI cash assistance program.~~

~~C. A certification period for the Provisional Medicaid Program shall not exceed 12 months.~~

~~D. Retroactive coverage up to three months prior to the receipt of the Medicaid application shall be available to recipients in the Provisional Medicaid Program.~~

~~1. Any retroactive coverage period shall not be prior to the implementation date of the Provisional Medicaid Program.~~ Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1118 (June 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov.

Ms. Steele is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Rebekah E. Gee MD, MPH

Secretary