

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: LOUISIANA

Requirements for Third Party Liability –  
Payment of Claims

Citation 4.22-B

42 CFR 433.139(b)(3)(ii)(c) (1) The State will pay and chase third parties when services covered under the plan are furnished to an individual on whose behalf child support enforcement is being carried out by the State Title IV-D agency.

If a provider first bills a third party rather than Title XIX for such claims, the State will only authorize payment under the following conditions:

- a) ~~30~~Up to 100 days have elapsed from the date of service.
- b) Documentation is attached to the claim verifying that condition a. has been met.

The State will monitor the pay and chase system for such claims for improper billings made by providers and take appropriate corrective action.

42 CFR 433.139(b)(3)(ii)(B) (2) Providers who have billed a third party prior to billing Medicaid must certify on the Medicaid claim that a third party has been billed, that payment has not been received from the third party, and that 100 days have elapsed from the date of service.

Section 1902(a)(25)(E) (3) The State shall make payments without regard to third party liability for pediatric preventive services unless a determination related to cost-effectiveness and access to care that warrants cost avoidance for 90 days has been made.

Section 1902(a)(25)(E) (4) The State shall use standard coordination of benefits cost avoidance when processing claims for prenatal services, including labor and delivery and postpartum care claims.

42 CFR 433.139(f)(2) (5) Third party recovery for Accident (Trauma) and Health claims  
Accident Claims: The State will pursue potential third party collections on physician claims and inpatient and outpatient hospital claims of \$500 or more accumulated during each regular pay cycle.  
Health Claims: The State will pursue potential third party collections on all claim types, except pharmacy claims of \$100 or more that may be accumulate during each regular pay cycle.

42 CFR 433.139(f)(3) (6) The State will pursue potential third party collections on all pharmacy claims of \$100 or more that have accumulated in a six-month period.

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(e) The Medicaid agency ensures that the provider furnishing a service for which a third party is liable follows the restrictions specified in 42 CFR 447.20 by:

1. Publishing rules and regulations.
2. Updating provider manuals.
3. Publishing changes in the provider newsletter.
4. Provider enrollment agreement.
5. Agency investigations of complaints and application of appropriate sanctions.

The Louisiana Department of Health ~~and Hospitals~~ will no longer allow providers to pursue a liable or potentially liable third party for payment in excess of the Medicaid paid amount to a provider for health care services rendered that are related to traumatic injury.

**Recipient Responsibilities**

The claims included in the initial lien calculated by the Medicaid Third Party Liability Recovery Unit and the Medicaid contracted managed care entity(s) shall be deemed as an accurate reflection of the total amount paid by Medicaid and the Medicaid contracted managed care entity(s), unless challenged in writing by the recipient or his representative within 30 days of the date of the initial lien notification to the Medicaid recipient or his representative.

**Noncompliance and Violations**

A provider who has filed and accepted Medicaid payment and who also accepts payment in excess of billed charges, or a duplicate payment for the same health care services, may be referred for investigation and prosecution for possible violation of either federal or state laws and may be excluded from participation in the Medicaid Program.