

Regular Session, 2008

HOUSE RESOLUTION NO. 53

BY REPRESENTATIVES GEYMANN, KLECKLEY, DANAHAY, AND FRANKLIN
AND SENATORS MOUNT AND MORRISH

A RESOLUTION

To direct the Department of Health and Hospitals to study the possibility of seeking a waiver from the Centers for Medicare and Medicaid Services which would exempt nursing homes not enrolled in the Medicaid and Medicare programs from paying a provider fee.

WHEREAS, R.S. 46:2625 authorizes the Department of Health and Hospitals to adopt and impose fees for health care services provided by the Medicaid program on every nursing facility in the state, not to exceed ten dollars per occupied bed per day for nursing facilities; and

WHEREAS, such funds are deposited in the Louisiana Medical Assistance Trust Fund to be appropriated for programs for which federal financial participation through the Medicaid program is available; and

WHEREAS, while the state receives additional federal Medicaid funds from the collection of the provider fee, the imposition of the fee places an unfair burden on those nursing facilities not enrolled in the Medicaid or Medicare programs; and

WHEREAS, nursing facilities which are enrolled in the Medicaid program also pay a provider fee, but are relieved of the burden of such a fee because the money generated from the fee is used to enhance the state Medicaid program by adding more services or eligibility groups to the Medicaid program, or by increasing Medicaid provider rates; and

WHEREAS, nursing facilities which are not enrolled in the Medicaid or Medicare programs are required to pay the provider fee, but do not receive any financial offset or relief by virtue of higher Medicaid reimbursements, since such facilities are not enrolled in the Medicaid program; and

WHEREAS, while federal statutory provisions require that health care provider fees be broad-based and uniform, applied at a consistent rate across all providers in a particular service category, several states have submitted waiver applications to the Centers for Medicare and Medicaid Services of the broad-based and uniformity provisions to exempt certain of their nursing facilities from the provider fee imposed in their state; and

WHEREAS, at least two states, Connecticut and North Carolina, have received waivers from the Centers for Medicare and Medicaid Services exempting certain of their nursing facilities from payment of a provider fee; and

WHEREAS, the Department of Health and Hospitals should explore all possible and available options, approaches, and avenues in which to craft a waiver application for submittal to the Centers for Medicare and Medicaid Services which would exempt nursing facilities in the state of Louisiana which are not enrolled in the Medicaid and Medicare programs from paying a provider fee, as the imposition of such a fee on nursing facilities not enrolled in the Medicaid or Medicare programs is inherently unfair and burdensome.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby direct the Department of Health and Hospitals to study the possibility of seeking a waiver from the Centers for Medicare and Medicaid Services which would exempt nursing homes not enrolled in the Medicaid and Medicare programs from paying a provider fee.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the secretary of the Department of Health and Hospitals.

SPEAKER OF THE HOUSE OF REPRESENTATIVES