

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Bureau of Health Services Financing**

**Medicaid Eligibility
Federally-Facilitated Marketplace Determinations
(LAC 50:III.505)**

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:III.505 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. 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.

The Patient Protection and Affordable Care Act (ACA) of 2010 requires that all applicants for coverage through the federal health insurance marketplace be assessed for eligibility in other government programs, including Medicaid. States are required to select a marketplace model that is state-based, federally-facilitated or working in partnership with the federal marketplace. States with a federally-facilitated marketplace (FFM), like Louisiana, must elect to either have the FFM make assessments of Medicaid eligibility and transfer the account to the state Medicaid agency for a final determination, or delegate the authority to make Medicaid eligibility determinations to the

FFM. Initially, Louisiana elected to become a determination state and accepted eligibility determinations made by the FFM.

In August 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing Medicaid eligibility in order to become an assessment state and only accept eligibility assessments from the FFM (*Louisiana Register*, Volume 41, Number 8).

The department has now determined that it is necessary to amend the provisions governing Medicaid eligibility in order to return to a determination state and accept Medicaid eligibility determinations made by the FFM. This action is being taken to avoid federal sanctions or penalties from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) for noncompliance with the federal requirement to provide a quarterly update to the associated federal FFM Data Collection Tool when the state's FFM status has changed. It is anticipated that this Emergency Rule will have no fiscal impact to the Medicaid Program for state fiscal year 2016-2017.

Effective April 20, 2016, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing Medicaid eligibility in order to accept Medicaid determinations made by the federally-facilitated marketplace.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE Part III. Eligibility Subpart 1. General Administration

Chapter 5. Application Processing

§505. Federally-Facilitated Marketplace ~~Assessments~~ Determinations

A. Effective ~~October 1, 2015~~April 20, 2016, Louisiana Medicaid will delegate its Medicaid eligibility determination authority to ~~no longer accept Medicaid eligibility determinations made by~~ the federally-facilitated marketplace (FFM) in order to begin accepting eligibility determinations made by the FFM for only those individuals who apply for healthcare coverage through the FFM. ~~Initial assessment of an applicant's Medicaid eligibility will be made by the FFM and transferred to the department to make the final Medicaid eligibility determination, which~~This will result in the state becoming ~~an a assessment~~ determination state.

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 41:1489 (August 2015), amended LR 42:

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 all 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