

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Dental Benefit Plan Manager and Healthy Louisiana Managed Care Organization Medical Loss Ratio (LAC 50:I.2111 and 3509)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.2111 and §3509 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42, Part 438.74 of the Code of Federal Regulations 438.74 requires the Department of Health to report medical loss ratio information for the dental benefits prepaid ambulatory health plan and the Healthy Louisiana managed care organizations annually. In compliance with 42 CFR 438.74, the Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing managed care for physical and behavioral health in order to align the MLR period for the dental benefit plan manager and the Healthy Louisiana managed care organizations with the capitation rating period for the purposes of required reporting (*Louisiana Register*, Volume 49, Number 7). This proposed Rule is being

promulgated to continue the provisions of the July 1, 2023
Emergency Rule.

Title 50
PUBLIC HEALTH-MEDICAL ASSISTANCE
Part I. Administration
Subpart 3. Managed Care for Physical and Behavioral Health
Chapter 21. Dental Benefits Prepaid Ambulatory Health Plan

§2111. Payment Methodology

A. - I. ...

J. A DBPM shall have a medical loss ratio (MLR) for each
MLR reporting year, which shall ~~be a calendar year~~ align with
the capitation rating period, except in circumstances in which
the MLR reporting period must be revised to align to a CMS-
approved capitation rating period.

1. - 4. ...

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 40:788
(April 2014), amended by the Department of Health, Bureau of
Health Services Financing, LR 46:953 (July 2020), LR 47:369
(March 2021), LR 49:

Chapter 35. Managed Care Organization Participation Criteria

§3509. Reimbursement Methodology

A. - E. ...

F. An MCO shall have a medical loss ratio (MLR) for each MLR reporting year, which shall ~~be a calendar year~~align with the capitation rating period, except in circumstances in which the MLR reporting period must be revised to align to a CMS-approved capitation rating period.

1. - 2. ...

3. An MLR shall be reported in the aggregate, including all services provided under the contract, unless the department requires separate reporting and a separate MLR calculation for specific populations.

F.3.a. - N.2.a. ...

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 37:1587 (June 2011), amended LR 39:92 (January 2013), LR 41:937 (May 2015), LR 41:2367 (November 2015), LR 42:755 (May 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1771 (December 2019), LR 49:

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.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to

provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2023.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2023. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 24, 2023 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after August 9, 2023. If a public hearing is to be held, all interested persons are invited to

attend and present data, views, comments, or arguments, orally or in writing.

Stephen R. Russo, JD

Secretary