

## DECLARATION OF EMERGENCY

### Department of Health Bureau of Health Services Financing

State Children's Health Insurance Program  
Termination of Coverage  
(LAC 50:III.Chapters 201 and 205)

The Department of Health, Bureau of Health Services Financing repeals LAC 50:III.Chapters 201 and 205 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XXI 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.

Section 4901 of the Balanced Budget Act of 1997 [P.L. 105-33], established provisions for the Children's Health Insurance Program (CHIP) under Title XXI of the Social Security Act to provide health insurance coverage to uninsured, low-income children through an expansion of existing Medicaid programs, creation of stand-alone programs or a combination of both. The Department of Health, Bureau of Health Services Financing implemented a combination of both programs, called the Louisiana Children's Health Insurance Program (LaCHIP), which provided coverage to uninsured children up to 250 percent of the federal poverty level.

Federal authority for CHIP ended on September 30, 2017 and has not been reauthorized. Because the federal authority has not been reauthorized, federal financial participation will no longer be available for CHIP expenditures once current funding has been exhausted.

As a result of the lack of federal matching funds for LaCHIP, the department proposes to repeal the provisions of LAC 50:III.Chapters 201 and 205 in order to terminate coverage of uninsured children under the Title XXI CHIP authority. Children who currently receive services through LaCHIP will be transitioned to the Optional Targeted Low-Income Children coverage group upon the termination of this program, and will continue to receive Medicaid with no break in coverage.

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 for LaCHIP by approximately \$295,925,166 for state fiscal year 2017-18.

Effective December 28, 2017, the Department of Health, Bureau of Health Services Financing amends the provisions governing the Louisiana Children's Health Insurance Program in order to terminate coverage of uninsured children.

#### Title 50

#### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part III. Eligibility

#### Subpart 11. State Children's Health Insurance Program

#### Chapter 201. Louisiana Children's Health Insurance Program (LaCHIP)—Phases 1-3

#### §20101. General Provisions

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:659 (April 2008), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

#### §20103. Eligibility Criteria

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:659 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1292 (July 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

#### Chapter 205. Louisiana Children's Health Insurance Program (LaCHIP)—Phase V

#### §20501. General Provisions

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:660 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1291 (July 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

#### §20503. Eligibility Criteria

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:660 (April 2008), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

#### §20505. Covered Services

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:660 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1292 (July 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

#### §20507. Cost Sharing

Repealed.

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

HISTORICAL NOTE: Repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:661 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1292 (July 2015), repealed by the Department of Health, Bureau of Health Services Financing, LR 44:

#### §20509. Dental Services Reimbursement Methodology

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1285 (May 2013), amended LR 40:1008 (May 2014), 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.

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Secretary

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