

Regular Session, 2009

HOUSE CONCURRENT RESOLUTION NO. 173

BY REPRESENTATIVE HINES AND SENATOR GRAY EVANS

A CONCURRENT RESOLUTION

To memorialize the United States Congress to take such actions as are necessary to restore the Medicare-Medicaid crossover payments nationally so all Medicare beneficiaries in Louisiana and nationwide have equal access to Medicare benefits.

WHEREAS, the Congressional Balanced Budget Act of 1997 made it essentially illegal for one hundred eight thousand poor Medicare beneficiaries in Louisiana and five million people across the nation to receive their full Medicare benefit; and

WHEREAS, all Medicare beneficiaries worked, paid payroll taxes, and earned the same Medicare benefits, but the Balanced Budget Act allowed Louisiana and two-thirds of all states to decrease their share of the Medicare payment for poor beneficiaries which "crossed over" to Medicaid; and

WHEREAS, this Act created a two-tiered, discriminatory Medicare system where wealthy beneficiaries receive full Medicare benefits while poor beneficiaries receive only partial Medicare benefits; and

WHEREAS, poor Medicare beneficiaries typically have both Medicare and Medicaid and are "dually eligible people"; and

WHEREAS, this segment of society are the oldest, poorest, sickest, and most disabled people in the nation; and

WHEREAS, they are one-quarter of all Medicare beneficiaries over eighty-five years old, they fill two-thirds of all nursing home beds, and they are one-quarter of all Medicare beneficiaries in Louisiana; and

WHEREAS, in 2003, Tommy Thompson, secretary of the United States Department of Health and Human Services, reported to congress that decreasing Medicare-Medicaid crossover payments for dually eligible people decreased their access to primary medical care by five percent and decreased their access to mental health services by twenty-one percent; and

WHEREAS, dually eligible people in Louisiana and nationwide are disproportionately elderly minorities and mentally and physically disabled people; and

WHEREAS, decreasing health care access for these vulnerable, protected groups violates the Civil Rights Act of 1964 and violates the Americans with Disabilities Act; and

WHEREAS, when access to primary care and mental health services decrease, expensive emergency room visits, hospitalizations, and nursing home admissions increase; and

WHEREAS, this practice increases health care costs for Louisiana and our nation; and

WHEREAS, dually eligible Medicare beneficiaries have a preventable hospitalization rate that is forty percent higher than beneficiaries who are not dually eligible; and

WHEREAS, dually eligible Medicare beneficiaries are the most expensive population served by publicly funded health care programs as their expense is more than four times the expense of Medicare beneficiaries who do not have Medicaid; and

WHEREAS, total government spending on seven million dually eligible people exceeds spending on all thirty million Medicare beneficiaries who do not have Medicaid; and

WHEREAS, sixty percent of spending on dually eligible people is financed by state Medicaid agencies; and

WHEREAS, in December 2008, the New Orleans City Council passed a resolution requesting Louisiana to restore Medicare-Medicaid crossover payments so all Medicare beneficiaries have equal access to their Medicare benefits; and

WHEREAS, the restoration of crossover payments is supported by the Louisiana State Medical Society, Louisiana Geriatrics Society, Louisiana American Medical Directors Association, American Geriatrics Society, New Orleans Medical Association, New Orleans Council on Aging, the City of New Orleans Health Department, New Orleans NAACP, and others; and

WHEREAS, restoring Medicare-Medicaid crossover benefits will improve access for five million poor Medicare beneficiaries, stop civil rights violations, decrease health care

disparities, decrease national health care costs, and increase the number of primary care physicians and mental health providers; and

WHEREAS, the Department of Health and Human Services, Centers for Medicare and Medicaid Services, in its Civil Rights Compliance Policy Statement, pledged to abolish discrimination in all its programs; CMS pledged to "allocate financial resources to the extent feasible to ensure equal access; prevent discrimination; and assist in the remedy of past acts adversely affecting persons on the basis of race, color, national origin, age, sex, or disability"; and

WHEREAS, this is a national problem, and Louisiana and other states have financial difficulty; and

WHEREAS, the United States Congress should look at the devastating effect that the reduction of Medicare-Medicaid crossover payments on dually eligible people has had on health care access for vulnerable populations and on the total Louisiana health care costs; and

WHEREAS, the United States Congress, which created the Balanced Budget Act, can help Louisiana and other states restore crossover payments by supplying federal funds without requiring state matching funds; and

WHEREAS, the Louisiana congressional delegation in the United States Congress should seek to restore Medicare-Medicaid crossover payments nationally so all Medicare beneficiaries in Louisiana and nationwide have equal access to their Medicare benefits.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby memorialize the United States Congress to take such actions as are necessary to restore the Medicare-Medicaid crossover payments nationally so all Medicare beneficiaries in Louisiana and nationwide have equal access to Medicare benefits.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE