

By: The Entire Membership

To: Rules

HOUSE CONCURRENT RESOLUTION NO. 88

1 A CONCURRENT RESOLUTION REQUESTING AND ENCOURAGING THE
2 CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS) TO CEASE AND
3 DESIST IN THEIR EFFORTS TO CHANGE THE RULES REGARDING MEDICAID
4 FINANCING TO THE DETRIMENT OF THE HOSPITALS AND OTHER HEALTH CARE
5 BUSINESSES AND PROFESSIONALS THAT PROVIDE ESSENTIAL HEALTH CARE
6 SERVICES TO THE ELDERLY, THE DISABLED AND OTHER NEEDY POPULATIONS
7 IN OUR STATE.

8 WHEREAS, the federal Medicaid agency, the Centers for
9 Medicare and Medicaid Services (CMS), has proposed to change the
10 Medicaid program rules in ways that will seriously injure the
11 ability of states to maintain their Medicaid program, and will
12 cause substantial financial injury to the hospitals and other
13 health care businesses and professionals that provide essential
14 health care services to the elderly, the disabled and other needy
15 populations in our state; and

16 WHEREAS, although CMS says that its proposals are consistent
17 with and required by current law, they go far beyond any
18 reasonable construction of the agency's authority, disrupt
19 long-standing practices, and impose new and onerous administrative
20 and fiscal burdens on the states; and

21 WHEREAS, the principal elements of the CMS proposals, each of
22 which would impair state programs, are: (1) the prohibition of
23 the use of various sources of revenue of public entities that,
24 along with funds appropriated from tax collections, have always
25 been considered to be legitimate sources for the expenditures that
26 they certify as the basis for federal matching funds for Medicaid,
27 (2) the restriction on the use of certification of public
28 expenditures (CPEs) to a narrow category of governmental units,
29 which excludes public bodies that have long been allowed to

30 certify expenditures as the basis for federal Medicaid funding,
31 (3) the limitation on payments to governmental providers to their
32 cost, which would undermine the use of payment methodologies
33 widely used, in Medicare as well as Medicaid, to encourage cost
34 efficiency, and (4) the requirement that all payments made to
35 Medicaid providers be retained by them, which would both be
36 unenforceable and certain to be a constant source of disputes and
37 intrusion into the operation of state governmental entities; and

38 WHEREAS, in the realm of hospital services, the proposed
39 rules would allow federal Medicaid payments only where the
40 non-federal share of expenditures could be traced directly to an
41 appropriation of tax dollars from some governmental body - the
42 state, a county, or another entity with taxing authority - which
43 would bar the use of unquestionably legitimate sources, such as
44 foundation grants, earnings from other hospital operations,
45 including ancillary lines of business such as gift shops or
46 parking lots, and charitable contributions, as well as state
47 sources such as tobacco payments, university tuition and other
48 fees; and

49 WHEREAS, the proposed rules would not only bar the use of the
50 sources listed above, the proposed rules would even limit some
51 categories of tax-based appropriations; and

52 WHEREAS, the CMS proposals would do great damage to the
53 Medicaid program, the continued vitality of which is crucial to
54 attaining the goal, now generally regarded as among the most
55 important domestic policy objectives, of broadening health care
56 coverage throughout the nation:

57 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
58 REPRESENTATIVES OF THE STATE OF MISSISSIPPI, THE SENATE CONCURRING
59 THEREIN, That we request and encourage the Centers for Medicare
60 and Medicaid Services (CMS) to cease and desist in their efforts
61 to change the rules regarding Medicaid financing to the detriment
62 of the hospitals and other health care businesses and

63 professionals that provide essential health care services to the
64 elderly, the disabled and other needy populations in our state.

65 BE IT FURTHER RESOLVED, That copies of this resolution be
66 furnished to the President of the United States Senate, the
67 Speaker of the United States House of Representatives, members of
68 the Mississippi congressional delegation, and members of the
69 Capitol Press Corps.