



**State of Louisiana**  
Louisiana Department of Health  
Office of the Secretary

February 10, 2020

**Via Statutorily Prescribed Email**

**To:** The Honorable President, Louisiana Senate  
The Honorable Speaker, Louisiana House of Representatives  
The Honorable Chairman, Senate Health & Welfare Committee  
The Honorable Chairman, House Health & Welfare Committee

**From:** Stephen R. Russo, JD *By: Candy Russo for*  
Interim Secretary

**Re:** Louisiana Department of Health Annual Rulemaking Report

The Louisiana Department of Health (LDH) is pleased to present its 2019 Annual Rulemaking Report, pursuant to La. R.S. 49:968K. The annual report details all of the rulemaking for each agency within LDH submitted to the *Louisiana Register* during the 2019 calendar year. There are six agencies that fall within LDH: Bureau of Health Services Financing (BHSF) a/k/a "Medicaid"; Health Standards Section (HSS); Office of Aging and Adult Services (OAAS); Office of Behavioral Health (OBH); Office for Citizens with Developmental Disabilities (OCDD); Office of Public Health (OPH), including the Bureau of Engineering Services, which is under the direction of the State Health Officer. Each of the six agencies within LDH is represented on the spreadsheet. All of the rules promulgated and adopted by the respective agency for the calendar year, and details the rule's name, the *Louisiana Administrative Code* citation, the *Louisiana Register* citation for the notice of intent, the date of the public hearing (if applicable), the date the second oversight report was submitted to the oversight committees, and the *Louisiana Register* citation of the publication of the final rule are noted on the spreadsheet.

LDH continues to promulgate and adopt a large volume of rules in a calendar year, due in large part to Medicaid activities. There were 56 rulemaking documents submitted to the *Louisiana Register* by Medicaid during 2019. Changing federal regulations and requirements and conditions in the healthcare field compel the Medicaid program to evolve and adjust continuously. The HSS Section submitted 11 rulemaking documents to the *Louisiana Register*, the OAAS submitted 2 rulemaking documents to the *Louisiana Register*, the OBH submitted 4 rulemaking documents to the *Louisiana Register*, the OCDD submitted 5 rulemaking documents to the *Louisiana Register*, and the OPH 7 rulemaking documents to the *Louisiana Register* respectively.

One feature of the salient features of the 2019 annual report is the continued reduction in the number of emergency rules promulgated by the agencies within LDH. The department has made a deliberate effort to use the emergency procedure sparingly to promulgate rules.

Should you have any questions about the report or require additional information, please contact Allen Enger, LDH Rulemaking Coordinator, at (225) 342-1342 or [Allen.Enger@la.gov](mailto:Allen.Enger@la.gov).

**Louisiana Department of Health 2019 Rulemaking Annual Report - Final Rules**

Office	Rule	Louisiana Administrative Code Citation	Notice of Intent	Public Hearing	Oversight Report	Final Rule
BHSF	Applied Behavior Analysis-Based Therapy Services Reimbursement Methodology	LAC 50:XV.703	LR 45:1107 (August 20, 2019)	N/A	October 9, 2019	LR 45:1597 (November 20, 2019)
BHSF	Behavioral Health Services-Substance Use Disorders Services	LAC 50:XXXIII.14101, 14301, 14303, and 14501	LR 44:2073 (November 20, 2017)	December 27, 2018	January 7, 2019	LR 45:270 (February 20, 2019)
BHSF	Direct Service Worker Registry	LAC 48:I.Chapter 92	LR 45:291 (February 20, 2019)	N/A	April 5, 2019	LR 45:662 (May 20, 2019)
BHSF	Disproportionate Share Hospital Payments Major Medical Centers	LAC 50:V.2503 and 2719	LR 45:1256 (September 20, 2019)	N/A	November 7, 2019	LR 45:1762 (December 20, 2019)
BHSF	Early and Periodic Screening, Diagnosis and Treatment Psychological Services Staffing Requirements	LAC 50:XV.7103-7105 and 9531-9535	LR 45:1872 (December 20, 2019)	N/A	N/A	N/A
BHSF	Early and Periodic Screening, Diagnosis and Treatment Personal Care Services	LAC 50:XV.Chapter 73	LR 45:606 (April 20, 2019)	N/A	June 10, 2019	LR 45:905 (July 20, 2019)
BHSF	Federally Qualified Health Centers—Alternative Payment Methodology	LAC 50:XI.10703	LR 44:1732 (September 20, 2018)	October 25, 2018	February 8, 2019	LR 45:434 (March 20, 2019)
BHSF	Federally Qualified Health Centers - Alternative Payment Methodology	LAC 50:XI.10703	LR 44:2326 (December 20, 2018)	N/A	February 8, 2019	LR 45:434 (March 20, 2019)
BHSF	Federally Qualified Health Centers - Reimbursement Methodology Mammography Separate Payments	LAC 50:XI.10703	LR 45:1663 (November 20, 2019)	N/A	N/A	N/A
BHSF	Ground Ambulance Provider Fees and Enhanced Reimbursements for Qualified Ground Ambulance Service Providers	LAC 48:I.4001 and 50:XXVII.331	LR 45:1108 (August 20, 2019)	N/A	October 9, 2019	LR 45:1597 (November 20, 2019)
BHSF	Healthy Louisiana Opioid Use Disorder/Substance Use Disorder Waiver	LAC 50:XXII.Chapters 61-69	LR 44: 2065 (November 20, 2018)	N/A	January 10, 2019	LR 45:271 (February 20, 2019)
BHSF	Home and Community-Based Services Waivers Community Choice Waiver Programmatic Allocation of Waiver Opportunities	LAC 50:XXI.8105	LR 45:454 (March 20, 2019)	N/A	May 10, 2019	LR 45:756 (June 20, 2019)
BHSF	Home and Community-Based Services Waivers Community Choice Waiver Programmatic Allocation of Waiver Opportunities New	LAC 48:I.4001	LR 44:1362 (July 20, 2018)	August 29, 2018	September 5, 2018	LR 45:42 (January 20, 2019)
BHSF	Home and Community-Based Services Waivers Community Choice Waiver Programmatic Allocation of Waiver Opportunities New	LAC 50:XXI.8105	LR 45:454 (March 20, 2019)	N/A	May 10, 2018	LR 45:756 (June 20, 2019)
BHSF	Home and Community-Based Services Waivers - New Opportunities Waiver - Complex Care Services	LAC 50:XXI.Chapter 137 and 13933 and 14301	LR 44:1890 (October 20, 2018)	N/A	December 10, 2018	LR 45:42 (January 20, 2019)
BHSF	Home and Community-Based Behavioral—Health Services Waiver—Coordinated System of Care Discharge	LAC 50:XXXIII.8101 and 8103	LR45:1665 (November 20, 2019)	N/A	January 9, 2020	N/A
BHSF	Home and Community-Based Services Waivers—Residential Options Waiver	LAC 50:XXI.Chapters 161, 163, and §16901	LR 45:1258 (September 20, 2019)	N/A	November 7, 2019	LR 45:1763 (December 20, 2019)
BHSF	Home and Community-Based Behavioral Services Waiver Coordinated System of Care Discharge Criteria	LAC XXXIII.8101 and 8103	LR 45:1665 (November 20, 2019)	N/A	N/A	N/A

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Office	Rule	Louisiana Administrative Code Citation	Notice of Intent	Public Hearing	Oversight Report	Final Rule
BHSF	Home and Community-Based Services Waivers Provider Requirements	LAC 50:XXI.Chapter 9	LR 45:721 (April 20, 2019)	N/A	July 8, 2019	LR 45:1080 (August 20, 2019)
BHSF	Intermediate Care Facilities for Persons with Intellectual Disabilities Dedicated Program Funding Pool Payments	LAC 50:VII.32917	LR 45:1514 (October 20, 2019)	N/A	December 9, 2019	LR46:028 (January 20, 2020)
BHSF	Intermediate Care Facilities for Persons with Intellectual Disabilities—Reimbursement Methodology Direct Care Floor	LAC 50:VII.32901	LR 45:1515 (October 20, 2019)	N/A	December 9, 2019	LR46:0 28 (January 20, 2020)
BHSF	Intermeditate Care Facilities for Persons with Intellectual Disabilities - Public Facilities, Transitional Rate Extension	LAC 50:VII.32915 and 32969	LR 44: 2067(November 20, 2018)	December 27, 2018	November 5, 2018	LR 45:273 (February 20, 2019)
BHSF	Intermeditate Care Facilities for Persons with Intellectual Disabilities - Transitional Rates for Public Facilities	LAC 50:VII.32969	LR 44:2327 (December 20, 2018)	N/A	February 8, 2019	LR 45:435 (March 20, 2019)
BHSF	Inpatient Hospital Services—Non-Rural, Non-State Hospitals—Reimbursement Rate Adjustment	LAC 50:V.Chapters 5 and 9	LR 45:1265 (September 20, 2019)	N/A	November 7, 2019	LR 45:1770 (December 20, 2019)
BHSF	Inpatient Hospital Services—Reimbursement Methodology—Outlier Pool Rate Increase	LAC 50:V.954	LR 45:1110 (August 20, 2019)	N/A	October 9, 2019	LR 45:1599 (November 20, 2019)
BHSF	Managed Care for Physical and Behavioral Health—Reimbursement Methodology Kick and Lump Sum Payments	LAC 50:I.3509	LR 45:1398 (September 20, 2019)	N/A	November 7, 2019	LR 45:1771 (December 20, 2019)
BHSF	Managed Care Organization Payment Accountability and Provider Credentialing	LAC 50:I.1505	LR 44: (November 20, 2018)	N/A	January 10, 2019	LR 45:273 (February 20, 2019)
BHSF	Medicaid Eligibility - Children's Health Insurance Program Reauthorization Act, Option for Lawfully Resident Children	LAC 50:III.2329 and 2523	LR 44:1931 (October 20, 2018)	November 29, 2018	December 5, 2018	LR 45:44 (January 20, 2019)
BHSF	Medicaid Eligibility—Modified Adjusted Gross Income Groups	LAC 50:III.10307	LR 45:1516 (October 20, 2019)	N/A	December 9, 2019	LR46: (January 20, 2020)
BHSF	Medicaid Eligibility—Medicare Savings Programs	LAC 50:III.10703 and 10705	LR 45:1267 (September 20, 2019)	N/A	November 7, 2019	LR 45:1772 (December 20, 2019)
BHSF	Nursing Facilities - Reimbursement Methodology	LAC 50:II.20026	LR 45:456 (March 20, 2019)	N/A	May 10, 2019	LR 45:756 (June 20, 2019)
BHSF	Nursing Facilities—Reimbursement Methodology—Case-Mix Documentation Reviews and Index - Reports	LAC 50:II.20013	LR 44: (November 20, 2018)	N/A	January 10, 2019	LR 45:274 (February 20, 2019)
BHSF	Nursing Facilities—Reimbursement Methodology—Transition of Private Facilities to State-Owned or Operated Facilities through	LAC 50:II.20023 and 20024	LR 44: (November 20, 2018)	N/A	January 10, 2019	LR 45:275 (February 20, 2019)
BHSF	Nursing Facilities—Reimbursement Methodology—Transition of Private Facilities to State-Owned or Operated Facilities through	LAC 50:II.20026	LR 45: ( 20, 2019)	N/A	May 10, 2019	LR 45:908 (July 20, 2019)
BHSF	Outpatient Hospital Services - Non-Rural, Non-State Hospitals - Reimbursement Rate Adjustment	LAC 50:V.Chapters 53-61	LR 45:1269 (September 20, 2019)	N/A	November 7, 2019	LR 45:1772 (December 20, 2019)
BHSF	Pharmacy Benefits Management Program—Dispense as Written Electronic Prescribing	LAC 50:XXIX.Chapters 1, 5, 7, 9 and 11	LR 45:1523 (October 20, 2019)	N/A	December 9, 2019	LR46:033 (January 20, 2020)

**Louisiana Department of Health 2019 Rulemaking Annual Report - Final Rules**

Office	Rule	Louisiana Administrative Code Citation	Notice of Intent	Public Hearing	Oversight Report	Final Rule
BHSF	Pharmacy Benefits Management Program—Federal Upper Payment Limits and Physician-Administered Drugs Reimbursement	LAC 50:XXIX.105 and 949	LR 45:295 (February 20, 2019)	N/A	April 5, 2019	LR 45:665 (May 20, 2019)
BHSF	Pharmacy Benefits Management Program-Managed Care Supplemental Rebates	LAC 50:XXIX.1103	LR 44:1529 (August 20, 2018)	September 27, 2018	October 5, 2018	N/A
BHSF	Pharmacy Benefits Management Program—Pharmacy Ingredient Cost Reimbursement	LAC 50:XXIX.105 and Chapter 9)	LR 45:129 (January 20, 2019)	N/A	February 8, 2019	LR 45:570 (April 20, 2019)
BHSF	Pharmacy Benefit Management Program—Vaccine Administration and Reimbursement	LAC 50:XXIX.123, 991 and 993	LR 45:1877 (December 20, 2019)	N/A	N/A	N/A
BHSF	Pharmacy Benefits Management Program State Supplemental Rebate Agreement Program	LAC 50:XXIX.Chapter 11	LR 45:614 (April 20, 2019)	N/A	June 10, 2019	LR 45:909 (July 20, 2019)
BHSF	Pregnant Women Extended Services—Substance Use Screening and Intervention Services Tobacco Cessation	LAC 50:XV.Chapter 163)	LR 45:1666 (November 20, 2019)	N/A	N/A	N/A
BHSF	Reimbursement Methodology—Mammography Separate Payments	LAC 50:XI.10703	LR 45:1663 (November 20, 2019)	N/A	January 9, 2020	N/A
BHSF	Rural Health Clinics - Alternative Payment Methodology	LAC 50:XI.16703	LR 44:2328 (December 20, 2018)	N/A	February 8, 2019	LR 45:435 (March 20, 2019)
BHSF	School-Based Health Services—School-Based Applied Behavior Analysis-Based Therapy Services	LAC 50:XV.9541 and XXXIII.Chapters 41-45	LR 45:1670 (November 20, 2019)	N/A	January 9, 2020	N/A
BHSF	Telemedicine - Claims Submission	LAC 46:LX.505	LR 44:2340 (December 20, 2018)	N/A	February 8, 2019	LR 45:436 (February 20, 2019)
BHSF	Termination of Radiology Utilization Management Services	LAC 50:V.6105 and XIX.4501	LR 45:809 (June 20, 2019)	N/A	August 7, 2019	LR 45:1203 (September 20, 2019)
BHSF	Treatment for Opioid Use Disorder in Opioid Treatment Programs	LAC 50:XXXIII.Chapters 151-157	LR 45:1526 (October 20, 2019)	N/A	December 9, 2019	LR46:027 (January 20, 2020)
HSS	Crisis Receiving Centers, Licensing Standards	LAC 48:I.Chapter 96	LR 45:125 (January 20, 2018)	N/A	February 8, 2019	LR 45:554 (April 20, 2019)
HSS	Facility Need Review - Hospital Off-Site Emergency Departments	LAC 48:I.Chapter 125	N/A	N/A	N/A	N/A
HSS	Hospice Licensing Standards	LAC 48:I.8201 and 8235	LR 45:1874 (December 20, 2019)	N/A	N/A	N/A
HSS	Hospital Licensing Standards	LAC 48:I.Chapter 93	LR 45:610 (April 20, 2019)	May 30, 2019	September 9, 2019	LR 45:1474 (October 20, 2019)
HSS	Medication Attendant Certified—Licensing Standards	LAC 48:I.Chapter 100	LR 45:1518 (October 20, 2019)	November 27, 2019	December 9, 2019	LR46:029 (January 20, 2020)
HSS	Support Coordination Providers—Licensing Standards	LAC 48:I.Chapter 49	LR 45:298 (February 20, 2019)	N/A	N/A	N/A

**Louisiana Department of Health 2019 Rulemaking Annual Report - Final Rules**

Office	Rule	Louisiana Administrative Code Citation	Notice of Intent	Public Hearing	Oversight Report	Final Rule
HSS	Nurse Licensure Compact	LAC 48:I.Chapter 88	LR 44:1933 (October 20, 2018)	November 29, 2018	December 5, 2018	LR45:45 (January 20, 2019)
HSS	Nursing Facilities - Virtual Visitation	LAC 48:I.9781	LR 44:2069 (November 20, 2018)	December 27, 2018	N/A	N/A
HSS	Therapeutic Group Homes—Licensing Standards—Criminal Background Checks	LAC 48:I.6210)	LR 45:1879 (December 20, 2019)	N/A	N/A	N/A
OAAS	Home and Community-Based Services Waivers Community Choice Waiver Programmatic Allocation of Waiver Opportunities	LAC 50:XXI.8105	LR 45:454 (March 20, 2019)	N/A	May 10, 2018	LR 45:756 (June 20, 2019)
OAAS	Home and Community-Based Services Waivers Provider Requirements	LAC 50:XXI.Chapter 9	LR 45:721 (April 20, 2019)	N/A	July 8, 2019	LR 45:1080 (August 20, 2019)
OBH	Behavioral Health Services - Treatment for Opioid Use Disorder in Opioid Treatment Programs	LAC 50:XXXIII.Chapters 151-157	LR 44:2065 (October 20, 2019)	December 27, 2018	January 7, 2019	LR 45:271 (February 20, 2019)
OBH	Healthy Louisiana Opioid Use Disorder/Substance Use Disorder Waiver	LAC 50:XXII.Chapters 61-69	LR 44:2065 (November 20, 2018)	December 27, 2018	January 7, 2019	LR 45:271 (February 20, 2019)
OBH	Home and Community-Based Behavioral—Health Services Waiver Coordinated System of Care Discharge Criteria	LAC 50:XXXIII.8101 and 8103	LR 45:1665 (November 20, 2019)	N/A	N/A	N/A
OBH	School-Based Health Services	LAC 50:XV Chapters 95 and XXXIII.Chapter 41	LR 44:2330 (December 20, 2018)	April 26, 2018	February 8, 2018	LR 45:561 (April 20, 2019)
OCDD	Certified Medication Attendants—Qualifications	LAC 48:IX.907	LR:46:100 (January 20, 2020)	N/A	N/A	N/A
OCDD	Community and Family Support System - Flexible Family Fund	LAC 48:I.Chapter 161	LR 44:2341 (December 20, 2018)	N/A	February 8, 2019	LR 45:558 (April 20, 2019)
OCDD	Community and Family Support System - Flexible Family Fund	LAC 48:I.16115	LR 45:1112 (August 20, 2019)	N/A	August 7, 2019	LR 45:1775 (December 20, 2019)
OCDD	Individual and Family Support Program	LAC 48:IX.Chapter 11	LR 45:1883 (December 20, 2019)	N/A	N/A	N/A
OCDD	Home and Community-Based Services Waivers Provider Requirements	LAC 50:XXI.Chapter 9	LR 45:721 (April 20, 2019)	N/A	July 8, 2019	LR 45:1080 (August 20, 2019)
OPH	Disease Reporting Requirements; Public Health Immunization Requirements; and Anti-Rabies Vaccination Requirements for Dogs and Cats	LAC 51:II.Chapter 1 and III.Chapter 1	LR 45:318 (February 20, 2019)	N/A	April 10, 2019	LR 45:666 (May 20, 2019)
OPH	Dairy Products Frozen Dessert Regulations	LAC 51:VII.2707	LR 45:1891 (December 20, 2019)	N/A	N/A	N/A
OPH	Emergency Preparedness Activities	LAC 48:I.Chapter 6	LR 45:1892 (December 20, 2019)	N/A	N/A	N/A
OPH	Louisiana Immunization Network/LINKS	LAC 51:II.101, 701, 703 and XXI.101	LR 46:101 (January 20, 2020)	N/A	N/A	N/A

**Louisiana Department of Health 2019 Rulemaking Annual Report - Final Rules**

Office	Rule	Louisiana Administrative Code Citation	Notice of Intent	Public Hearing	Oversight Report	Final Rule
OPH	Registration of Foods, Drugs, Cosmetics and Prophylactic Devices	LAC 49:I.Chapter 5 and LAC 51:VI.301	LR 45:1895 (December 20, 2019)	N/A	N/A	N/A

**Louisiana Department of Health 2019 Rulemaking Annual Report - Emergency Rules**

Office	Emergency Rule	Louisiana Administrative Code Citation	Louisiana Register Citation	Effective Date	Written Notice Provided
BHSF	Ground Ambulance Provider Fees and Enhanced Reimbursements for Qualified Ground Ambulance Service Providers	LAC 48:I.4001 and 50.XXVII.331	LR 45:850 (July 20, 2019), LR 45:1425 (October 20, 2019)	July 1, 2019; October 30, 2019	June 28, 2019
BHSF	Inpatient Hospital Services—Reimbursement Methodology—Outlier Pool Rate Increase (Medicaid)	LAC 50:V.954	LR 45:852 (July 20, 2019); LR 45:1427 (October 20, 2019)	July 1, 2019; October 9, 2019	June 27, 2019; October 9, 2019
BHSF	Pharmacy Benefits Management Program—Pharmacy Copayment (Medicaid)	LAC 50:XXIX.111	LR 45:497 (April 20, 2019); LR 45:853 (July 20, 2019)	April 1, 2019; July 31, 2019	April 1, 2019; July 10, 2019
HSS	Nursing Facilities - Virtual Visitation (HSS)	LAC 48:I.9781	LR 44:1988 (November 20, 2018); LR 45:1427 (October 20, 2019); LR 45:1721 (December 20, 2019)	November 20, 2018; October 9, 2019; December 20, 2019	November 9, 2018; October 9, 2019; December 9, 2019
HSS	Therapeutic Group Homes—Licensing Standards—Criminal Background Checks (HSS)	LAC 48:I.6210	LR 45:1428 (October 20, 2019); LR 45:1722 (December 20, 2019)	September 9, 2019; December 9, 2019	September 20, 2019; December 9, 2019
OPH	Added Controlled Dangerous Substances (OPH)	LAC 46:LIII.2704	LR 45:1431 (October 20, 2019)	September 19, 2019	September 20, 2019
OPH	Registration of Foods, Drugs, Cosmetics and Prophylactic Devices (OPH)	LAC 49:Chapter 5 and LAC 51.VI.301	LR 45:854 (July 20, 2019); LR 45:	July 10, 2019; November 8, 2019	July 10, 2019; November 8, 2019

## Louisiana Department of Health 2019 Rulemaking Annual Report - Potpourri

Office	Potpourri	Louisiana Register Citation
BHSF	2019 Third Quarter Hospital Stabilization Assessment (LR 45:733 (April 20, 2019)) (Medicaid)	N/A
BHSF	2019 Fourth Quarter Hospital Stabilization Assessment (LR 45:733 (April 20, 2019)) (Medicaid)	N/A
BHSF	2020 First Quarter Hospital Stabilization Assessment (LR 45:1405 (September 20, 2019)) (Medicaid)	N/A
BHSF	2020 Second Quarter Hospital Stabilization Assessment (LR 45:1909 (December 20, 2019)) (Medicaid)	N/A