



State of Louisiana
Louisiana Department of Health
Office of the Secretary

January 10, 2020

Via Statutorily Required Email

To: The Honorable John Alario, President, Louisiana Senate
The Honorable Taylor Barras, Speaker, Louisiana House of Representatives
The Honorable Fred H. Mills, Jr. Chairman, Senate Health & Welfare Committee
The Honorable Frank A. Hoffmann, Chairman, House Health & Welfare Committee

From: *By Cecily Rye for*
Rebekah E. Gee, MD, MPH
Secretary

Re: First Report. Proposed Amendments to LAC 48:II.Part IX. Chapter 9 – Guidelines for Certification of Medication Attendant – Qualifications of Applicants to be Medication Attendants

Under the authority of the laws of the State of Louisiana and in accordance with the provisions of Chapter 6 of Title 36 of the Louisiana Revised Statutes of 1950, and with the Administrative Procedure Act, La. R.S. 49:950 *et seq.*, the secretary hereby gives notice that rulemaking procedures have been initiated to promulgate amendments to the rules governing the Guidelines for Certification of Medication Attendant – Qualifications of Applicants to be Medication Attendants, LAC 48:II. Part IX. Chapter 9.

- I. Copy of the rule as it is proposed after amendment, with new proposed language indicated by the underscored text.

See attachment.

- II. A Statement of the proposed action.

This proposed rule change is being proposed to implement changes to the Certified Medication Attendant Program due to changes in Statute per Act 45 of 2019 Regular Legislative Session. Changes made were to citizenship status.

- III. Specific citation of law authorizing promulgation of the rule.

R.S. 37:1025(A).

Circumstances which require the amendment of the rule.

Rulemaking is being initiated to amend the current CMA rule in order to implement changes made to statute per ACT 45 of 2019 Regular Legislative Session.

IV. Statement of Fiscal and Economic Impact.

See attachment.

Please contact Carol Lee, OCDD Rulemaking Liaison, at carol.lee@la.gov or (225) 342-5717, if you have any questions or require additional information about this matter.

Attachments (2)

cc: Julie Foster Hagan, Assistant Secretary, Office for Citizens with Developmental Disabilities
Anita Dupuy, Legislative Liaison, Louisiana Department of Health
Carol Lee, Rulemaking Liaison, Office for Citizens with Developmental Disabilities
Allen Enger, Statewide Program Manager, Louisiana Department of Health
Catherine Brindley, Editor, *Louisiana Register*, Office of State Register

Notice of Intent

Department of Health

Office for Citizens with Developmental Disabilities

Part IX. Developmental Disabilities Services

Chapter 9. Guidelines for Certification of Medication Attendant

(LAC 48:II, Part IX Chapter 9)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that, the Louisiana Department of Health, Office for Citizens with Developmental Disabilities (LDH-OCDD), hereby proposes to amend LAC 48:II.Part IX Developmental Disabilities Services, Chapter 9 §907.Qualification of Applicants to be Medication Attendants. The intent of the proposed amendment is to update the Rule pursuant to ACT 45 of the 2019 Regular Legislative Session which amended R.S. 37:1025(A).

Title 48

Public Health -General

Part IX Developmental Disabilities Services

Chapter 9. Guidelines for Certification of Medication Attendant.

§907. Qualifications of Applicants to be Medication Attendants

A. Each person accepted to participate in the medication attendant course must be:

1. a citizen of the United States, and a resident of Louisiana;
a United States national, or an alien lawfully admitted for
permanent residency in the United States.

2. an employee employed in a facility operated by the Office for
Citizens with Developmental Disabilities (OCDD), in a community
home for persons with developmental disabilities funded through
the Louisiana Department of Health (LDH) or the Department of
Children and Family Services (DCFS), or in ef-an intermediate care
facility for people with developmental disabilities; or be a person
who provides an in-home Medicaid home and community-based
services; provider agency who is enrolled in the 60-hour course
curriculum;

3. - 4. ...

5. be-free of communicable diseases and in suitable physical and
emotional health to administer medications safely;

6. without a known record or history of drug abuse or record of
conviction of a felony. have no known record or history of:

a. alcohol or drug abuse

NOTE: Must be in compliance with Americans with Disabilities Act

b. mental or physical abuse/neglect;

c. molestation; or

~~d. conviction of a felony or other conviction that bars employment in accordance with R.S. 40:1300.53 or other applicable state law.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1021-1025.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 21:695 (July 1995), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 42:1527 (September 2016), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 46

Family Impact Statement

In compliance with Act 1183 of the 199 Regular Legislative 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 not have an adverse impact on family functioning, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Legislative Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will not have an adverse impact on child, individual and

family poverty in relation to individual or community asset development as described in R.S. 49:973.

Small Business Statement

It is anticipated that the proposed Rule will not have a significant adverse effect on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting the proposed rule to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

After considering House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule 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 about the proposed Rule to Carol Lee, Office for Citizens with Developmental

Disabilities, P.O. Box 3117, Baton Rouge, LA 70821-3117. Ms. Lee is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is 4:30 p.m. on February 28, 2020.

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 February 10, 2020. If the criteria set forth in R.S. 49:953 (A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on Friday, February 28, 2020 in Room 118 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 parties should first call Allen Enger at (225) 342-1342 after February 10, 2020. 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. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing

attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee MD, MPH

Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Carol Lee Department: Louisiana Department of Health
Phone: (225) 342-5717 Office: Office for Citizens for Developmental Disabilities
Return Address: P.O. Box 3117 Rule Title: Certified Medication Attendants - Qualifications
Baton Rouge, LA 70821
Date Rule Takes Effect: Upon promulgation
SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is anticipated to increase expenditures for the Office for Citizen with Developmental Disabilities (OCDD) by approximately \$320 in FY 20 associated with publication cost.

In compliance with Act 45 of the 2019 Regular Legislative Session, the proposed rule updates the qualifications for applicants to be a certified medication attendant (CMA). Specifically, the proposed rule removes the provision that an attendant must be a resident of Louisiana and adds the provision that an attendant may be a United States national or an alien lawfully admitted for permanent residency in the United States.

State Medicaid costs are not anticipated to change as a result of this rule. CMAs administer medications to patients and are employed by Intermediate Care Facilities (ICFs) and Home and Community Based Services (HCBS) providers. ICFs receive a Medicaid per diem rate to provide services to patients. The per diem rate will not change. HCBS providers receive a set rate to administer medication to patients. This rate will not change. Additionally, implementation of this rule is not anticipated to change access, as it does not impact the number of patients that receive medication.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

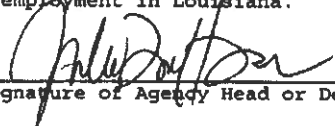
Implementation of the proposed rule is not anticipated to have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

Health care providers will benefit because they will have access to a larger pool of applicants for CMA positions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Because of fewer residency and citizenship restrictions, the proposed amendments may increase the number of certified medication attendants eligible for employment in Louisiana.



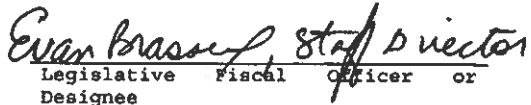
Signature of Agency Head or Designee

Julie Foster Hagan, Assistant Secretary

Typed Name and Title of Agency Head or Designee

01/07/2020

Date of Signature



Legislative Fiscal Officer or Designee

1/8/20

Date of Signature