

Rule

NOTICE OF INTENT

**Department of Health
Office for Citizens with Developmental Disabilities**

**Certified Medication Attendants—Qualifications
(LAC 48:IX.907)**

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: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).

Rule

**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, a United States national, or an alien lawfully admitted for permanent residency in the United States.

2. 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 an intermediate care facility for people with developmental disabilities; or be a person who provides in-home Medicaid home and community-based services;

3. - 4. ...

5. 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.

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

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of these proposed Rules has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, and no increase on direct or indirect cost. The proposed Rule 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 relative to the proposed Rule until 4:30 p.m., Monday, February 10, 2020 to Paige Hargrove, Louisiana Emergency Response Network, 14141 Airline Hwy., Suite B, Building 1, Baton Rouge, LA 70817, or via email to paige.hargrove@la.gov.

Paige Hargrove
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Stroke Center Recognition**

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

The proposed rule change is anticipated to increase expenditures for LERN by approximately \$1,060 in FY 20 associated with publication cost.

The proposed rule updates the requirements for a facility to receive recognition as a stroke center. Specifically, the rule updates the terminology used to identify levels of stroke centers to align with industry standards and clarifies the criteria that must be met to qualify for each level of recognition. Additionally, the rule codifies the current process for stroke centers to submit quarterly data to the LERN Board. The rule also provides the consequences if a facility fails to submit quarterly data to the board, which may include probation and/or reclassification to a stroke bypass hospital.

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)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups. The rule updates the requirements for a facility to receive recognition as a stroke center. Participation in this recognition is voluntary, and no hospital is required to participate.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is not anticipated to have an effect on competition or employment.

Paige Hargrove
Executive Director
2019026

Evan Brasseaux
Staff Director
Legislative Fiscal Office

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 Analysis

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.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Certified Medication Attendants Qualifications

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT 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 NONGOVERNMENTAL 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.

Julie Foster Hagan
Assistant Secretary
2001#023

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Office of Public Health

Louisiana Immunization Network/LINKS
(LAC 51:II.101, 701, 703 and XXI.101)

Under the authority of R.S. 40:4, R.S. 40:5 and R.S. 40:31.15, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Louisiana Department of Health, Office of Public Health (LDH-OPH), intends to enact and amend certain Sections of Chapter 7 (Public Health Immunization Requirements) of Part II (The Control

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, a United States national, or an alien lawfully admitted for permanent residency in the United States.

2. 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 an intermediate care facility for people with developmental disabilities; or be a person who provides in-home Medicaid home and community-based services;

3.- 4. ...

5. 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.

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