

RULE

**Department of Health
Bureau of Health Services Financing**

**Medicaid Eligibility
Louisiana Health Insurance Premium Payment Program
(LAC 50:III.2311)**

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:III.2311 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2311. Louisiana Health Insurance Premium Payment Program

A. Section 1906 of Title XIX of the Social Security Act mandates that Medicaid recipients enroll, and maintain their enrollment, in cost-effective group health insurance plans as a condition of Medicaid eligibility if such a plan is available. In compliance with section 1906, the department hereby establishes the Louisiana Health Insurance Premium Payment (LaHIPP) Program to provide Medicaid payment of the costs associated with the enrollment of recipients in cost-effective group health insurance plans.

B. Medicaid recipients shall be enrolled in LaHIPP when cost-effective health plans are available through the recipient's employer or a responsible party's employer-based health plan if the recipient is enrolled or eligible for such a health plan.

1. The enrollment period for the LaHIPP Program shall be no less than six months.

C. When coverage for eligible family members is not possible unless ineligible family members are enrolled, the Medicaid Program will pay the premiums for the enrollment of other family members when it is cost-effective.

D. The recipient, or the individual acting on behalf of the recipient, shall cooperate to establish the availability and cost effectiveness of group health insurance.

1. Medicaid benefits of the parent may be terminated for failure to cooperate unless good cause for non-cooperation is established. Medicaid benefits for a child shall not be terminated due to the parent's or authorized representative's failure to cooperate.

E. Continued eligibility for this program is dependent upon the individual's ongoing eligibility for Medicaid.

F. LaHIPP recipients shall be entitled to coverage of the patient responsibility amounts for services covered under the group health insurance to the extent allowed under the Medicaid State Plan and for all services that are not covered by the group health insurance but are provided for under the Medicaid State Plan and rendered by Medicaid providers.

G. The department shall be entitled to any rate refund made when the health insurance carrier determines a return of premiums to the policy holder is due because of lower

than anticipated claims for any period of time in which the department paid the premiums.

H. The Medicaid Program will make the determination whether the group health insurance plan(s) available to the recipient is cost effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:664 (April 2017).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Rebekah E. Gee MD, MPH
Secretary

1704#059

RULE

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

**Individual and Family Support Program
(LAC 48:IX.Chapter 11)**

The Louisiana Department of Health (LDH), Office for Citizens with Developmental Disabilities (OCDD), pursuant to Act 378 of the 1989 Regular Legislative Session as contained in R.S. 28:824, has established Louisiana's community and family support system. The individual and family support program is designed to meet those needs of individuals with developmental disabilities, which exceed those normally met by existing resources, both entitlements and those occurring naturally in the individual's family and community. The intent of this Rule is to establish program regulations for the individual and family support program to ensure proper utilization of program funds and service delivery.

Title 48

PUBLIC HEALTH—GENERAL

**Part IX. Developmental Disabilities Services System
Chapter 11. Individual and Family Support Program**

§1101. Purpose

A. The individual and family support program is designed to meet those needs of individuals with developmental disabilities, which exceed those normally met by existing resources, both entitlements and those occurring naturally in the individual's family and community.

B. The purposes of the individual and family support program shall be:

1. to establish or maintain a quality of life for individuals with developmental disabilities and their families in a manner that respects both the individual's needs and aspirations and the individual's ability to use supports in a responsible and accountable manner;

2. to link individuals with developmental disabilities and their families to existing supports and resources and to supplement those supports as necessary to maintain the integrity of individuals and their families.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:664 (April 2017).

§1103. Definitions

Applicant—the individual with developmental disabilities for whom supports are requested.

Developmental Disability—defined in accordance with the developmental disability law at R.S. 28:451.2(12).

Eligible Individual—individual who has been determined to be eligible for developmental disabilities services, through a statement of approval (SOA) to participate in developmental disabilities services as part of the single point of entry (SPOE) process in most current use as established by the OCDD.

Individual and Family Support Committee—the advisory committee to the individual and family support (IFS) program within each local governing entity administering the IFS program.

Local Governing Entity (LGE)—an existing or newly created local governmental entity with local accountability and management of behavioral health and developmental disabilities services as well as any public health or other services contracted to the district by the department.

Office for Citizens with Developmental Disabilities (OCDD)—the office, within the Department of Health, which has the responsibility for developing, evaluating and guiding programs and supports for Louisiana's citizens with developmental disabilities.

Plan of Support—the individualized plan for provision of supports for individuals and families developed utilizing the most recently approved format by OCDD.

Support Coordination—the provision of assistance to individuals with developmental disabilities or their families to identify and coordinate necessary supports to access, utilize and maintain those supports in a fiscally sound manner.

Support Coordinator—the person responsible for case coordination for an individual with developmental disabilities and/or his/her family.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:665 (April 2017).

§1105. Participant Records

A. Each local governing entity (LGE) will maintain a single participant record for each applicant or recipient of individual and family support funding, which will comply with all Department of Health (LDH), Office for Citizens with Developmental Disabilities (OCDD), and Health Insurance Portability and Accountability Act (HIPAA) requirements. The record will reflect all aspects of service provision to the participant, inclusive of multiple or varied funding sources and/or fiscal year.

1. Progress note entries will provide strict chronological documentation for all case activity from all programs; these notes will be signed and dated to be considered complete.

2. Monitoring from external agencies will be acceptable provided documentation complies with

requirements set forth by OCDD; the LGE administering the program shall be responsible for ensuring that adequate documentation is included in the record.

B. Each LGE administering the individual and family support program will comply with established policies and procedures of the LDH and OCDD of the confidentiality of and access to participant records and the time-periods to retain those records.

C. Necessary additional information specific to the development of the request for individual and family support resources shall also be included in the participant record:

1. plan of support document that is current within a year and generated in a format approved by the OCDD or a comprehensive plan of care current within a year, which clearly identifies services requested and received from the LGE, or an EarlySteps individualized family services plan (IFSP), that is current within a year;

2. individual and family support prioritization instrument that is current within a year;

3. notice of decision for the individual and family support program;

4. individual and family support notice of right to appeal, as appropriate; and

5. individual and family support request for appeal, as appropriate.

D. When individual and family support funds are allocated and expended on behalf of individuals, these documents will be maintained in the records in compliance with requirements of the LDH, OCDD, and auditing authorities, and shall, at a minimum, include:

1. justification to the executive director of a LGE for expenditures in excess of \$15,000, in a single fiscal year, inclusive of all funding sources, as appropriate;

2. justification to the executive director of a LGE for approval of an exception for use of funds not authorized by these program guidelines, as appropriate; and

3. expenditure recap sheet, which specifies the total amount of individual and family support funds authorized, dates and amounts of expenditure of these funds and the total remaining on the initial allocation.

E. Agencies administering the individual and family support program will be required to comply with the requirements set forth and utilize forms approved for use by OCDD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:665 (April 2017).

§1107. Eligibility

A. The individual and family support program is a resource available to serve an individual with developmental disabilities and his/her family as follows.

1. The individual lives in Louisiana and is approved to participate in developmental disabilities services in accordance with the developmental disability law. More specifically, the individual has a current statement of approval.

2. The individual may receive individual and family support funds to address identified supports to enable the person to remain in the community and/or to improve his/her quality of life.

3. The individual is at risk of being institutionalized or is institutionalized but intends to return to the community with appropriate supports.

B. The individual and his/her family must demonstrate the ability to provide the necessary and appropriate care and supervision for the individual with developmental disabilities who receives the support.

C. The family must not be subsidized for care of the individual except for Family Independence Temporary Assistance Program (FITAP) or Social Security (SS) benefits. OCDD flexible family fund, Department of Children and Family Services adoption subsidy, and child support are not considered subsidized care; requests may be approved on an individual basis for eligible individuals receiving adoption subsidies.

D. Financial circumstances will be considered in the prioritization of individual and family support program funds except that family income will not disqualify applicants, but the applicant's ability to independently provide supports will be considered in funding decisions. Individual income will be considered for persons with developmental disabilities who are establishing or maintaining supervised independent living in the community.

E. Requests for individual and family support funding may be approved for non-related persons when the applicant meets all other eligibility criteria, with at least one of the following.

1. The relationship and/or living arrangement is of long-standing or is permanent (not temporary) duration.

2. The person providing care is not the guardian of the applicant.

3. The applicant meets the Internal Revenue Service definition for a dependent for federal income tax purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:665 (April 2017).

§1109. Request for Individual and Family Support Funding

A. The request for individual and family support funding can be made by any eligible individual with developmental disabilities or his/her family or representatives, support coordination agent or designated facility personnel for individuals residing in residential facilities who desire to return to the community and/or family.

B. All requests for individual and family support funding will go to the geographically appropriate LGE for determination.

C. Individuals must have a current statement of approval (SOA) to receive individual and family support funds unless situation meets exceptions set forth by OCDD.

D. The support coordinator will assist the individual and/or family in completing the plan of support to request individual and family support funding.

1. The support coordinator will complete the plan of support in cooperation with the applicant and his/her family and will provide information on available supports and the type of support requested. The individual and/or family will be considered the primary decision maker.

2. The LGE administering individual and family support (IFS) funds shall have responsibility for determination of the prioritization for allocation of IFS funds.

3. Requests for individual and family support funds will be made to the geographically appropriate LGE. The developmental disabilities director will determine whether the request requires an immediate response. This can also be accomplished through designation by the developmental disabilities director.

4. Individuals with developmental disabilities or their families will have the opportunity to present their requests to the individual and family support committee in person or by representation of their choice. The support coordinator may represent the applicant and his/her family at their request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:666 (April 2017).

§1111. Plan of Support

A. There will be a single plan of support for each applicant for individual and family support funding, regardless of the funding mechanism or LGE delivering supports, which will be developed on the most recently OCDD approved format.

B. The support coordinator will meet with the individual and/or family to generate an individualized plan of support specific to the individual's need for supports, to include the following as defined by OCDD: personal outcome goal(s), exploration of resources available to the individual and/or family, support requests to adequately justify and determine the extent and duration of support(s) needed and statement of the total amount of funds to be expended and the terms of service delivery.

C. The plan of support will reflect the participant's current life situation and pattern of support needs and will be revised at least annually and when the participant's life circumstances change, such as the participant moves into a supported independent living setting or begins to receive waiver services, and/or when support needs change, such as when care giver(s) health fails and increased personal care service are needed.

D. The plan of support will be completed prior to the development of any form of agreement to provide individual and family support funding (except in the case of an emergent situation as determined by the developmental disabilities director) and the term of service will extend for the duration of service.

E. The plan of support will specify the conditions of use of service and reporting or documentary responsibilities of the participant and/or family receiving services.

F. The comprehensive plan of care generated by the service coordination agents for waiver services may serve as the plan of support according to conditions set forth by the OCDD.

G. The plan of support will be reviewed at least annually by the LGE and in other circumstances as defined by OCDD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:666 (April 2017).

§1113. Prioritization for Individual and Family Support Funding

A. Each LGE will be responsible for the prioritization of all requests for individual and family support funding presented for a funding decision according to the following.

1. Priority 1. Without requested supports, there is an immediate or potential threat out-of-home placement or homelessness due to:

a. the individual's emergent or acute medical care needs;

b. documented abuse or neglect of the individual requiring immediate action to preserve his/her health or safety;

c. death or inability of caregiver to continue care due to his/her own age or health exposing the individual to substantial jeopardy;

d. caregiver's inability to continue care without assistance due to employment or other family obligations;

e. the individual's intense or frequent challenging behavioral needs requiring immediate action to preserve his/her health; or

f. substantial threat that the individual will experience a health crisis leading to death or homelessness, hospitalization or placement in a nursing facility without the requested supports.

2. Priority 2. Supports are needed to prevent the individual's health from deteriorating or the individual from losing his/her independence or productivity, and/or to maintain the caregiver's ability to provide supports and a stable home environment in the foreseeable future.

3. Priority 3. Supports are needed to maintain the individual's health, independence or productivity, and/or to maintain the caregiver's long-term ability to provide supports in a stable home environment.

4. Priority 4. Supports are needed to enhance the individual's quality of life and enhance the family's ability to provide a stable home environment.

B. Individual and family support funding will be accessed only after it is determined and documented that natural, generic or other entitlement supports are not sufficient to meet the needs of the individual. The LGE and support coordinators will be knowledgeable of and utilize, where possible and feasible, existing services, programs and/or funding sources and work actively to educate applicants of such resources.

C. All individual and family support allocations will be evaluated at the time of the initial application for funding and at least annually thereafter to determine the continuing need for authorized supports. Documentation shall be provided with completion of the OCDD individual and family support prioritization instrument form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:667 (April 2017).

§1115. Individual and Family Support Committee

A. Each LGE will maintain an individual and family support committee to be convened on a regular basis, no less than quarterly, and on an as-needed basis to serve an advisory function to LGE deliberations about allocation of funding.

B. The individual and family support committee shall be composed of the developmental disabilities director, or designee; the supervisor of the individual and family support program; the support coordinator working with the applicant; at least one from an advocacy organization, such as Families Helping Families; at least one representative of the regional advisory committee; and at least one adult participant or a parent or a participant receiving supports through the individual and family support program. An adult participant or a parent may serve in a dual role on the committee.

C. The developmental disabilities director, or designee, shall report the activities of the individual and family support committee to the regional advisory committee at least quarterly to include:

1. number of persons receiving individual and family support funding;

2. types of supports provided;

3. total amount of funds budgeted and expended;

4. resolution of emergency funding requests and expenditures;

5. circumstances of imposition of fiscal controls imposed on recipients of individual and family support funds, if any; and

6. results of the quarterly supervisory review of at least 10 percent of active individual and family support cases completed.

D. The developmental disabilities director, or designee, shall maintain a record of the meetings of the individual and family support committee including, minimally, those in attendance, requests discussed, and resolution of all applications. This record will be made available for review by monitoring or auditing activity as requested by OCDD.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:667 (April 2017).

§1117. Allocation of Individual and Family Support Funding

A. Authorization for individual and family support funding will be made by the developmental disabilities director in cases determined to require immediate action. Factors which may influence allocation of funds under these circumstances include:

1. urgency of need;

2. probable consequences of failure to allocate funds and possible benefits;

3. adequacy of utilization of and exploration of alternative resources; and

4. resources available to the individual with developmental disabilities and/or the family.

B. Authorization for funding in cases determined to not require immediate action by the developmental disabilities director will be prioritized by the LGE according to §1113 to determine the level of need and service authorized and, any limitations, stipulations or conditions to be met by the individual or family to receive individual and family support funding.

C. Actions which may be taken shall be defined by the OCDD and shall include: approval, approval pending funding, deferment, and denial.

D. The LGE shall notify persons requesting services of the decision to allocate individual and family support funds in writing within 10 days of taking any action on the request.

1. Notification to applicants and their support coordinators will be written and documented by copy of the letter of notification which shall include notification of their right to appeal the decision.

2. Separate notifications will be made each time a request for supports is reviewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:667 (April 2017).

§1119. Individual and Family Support Expenditures

A. Individual and family support expenditures will only be authorized through a plan of support which will:

1. be generated no more than 90 days before the request for support is made;

2. extend for the duration of any agreement to utilize individual and family support funds;

3. define the specific type, duration and intensity of supports needed; and

4. identify the agent(s) to provide the service and any special conditions associated with service delivery.

B. The developmental disabilities director, or designee, shall be responsible for expenditures in the individual and family support program, more specifically the amount budgeted and the number of people served, and shall ensure administration within the guidelines established by the OCDD.

C. The developmental disabilities director, or designee, shall be responsible for supplying written justification for expenditures above \$15,000 for a single individual within a single fiscal year from all sources to the executive director of a LGE prior to expenditure of funds. Plans of support approved for less than this amount will not require such notification. A copy of the letter of justification shall be maintained in the participant record.

D. The developmental disabilities director, or designee, shall be responsible for supplying written justification of expenditures outside guidelines established by the OCDD to the executive director of a LGE before funds are expended. Plans of support which are within program guidelines will not require such notification. A copy of the letter of justification shall be maintained in the participant record.

E. The developmental disabilities director may authorize a one-time expenditure for a payment prior to receipt of service if documentation which justifies the individual or family's financial hardship and/or inability to provide the advance payment required for cost-reimbursement individual agreements is provided. Individual and/or family reliance on

FITAP, SS disability or SSI will be adequate justification for such expenditure.

F. Each participant record will include an expenditure recap sheet, which details all individual and family support expenditures, regardless of payment mechanism and which provides a contemporaneous record of expenditures.

G. Funds appropriated or allocated to the individual and family support program cannot be used for salaries of civil service or contract employees who coordinate and monitor the individual and family support services and the use of the funds or for other costs associated with administering this program. All funds appropriated or allocated to the individual and family support program must be spent on the direct purchase of goods, supports or services to assist the individual with a developmental disability and/or his/her family.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:668 (April 2017).

§1121. Implementing the Plan of Support

A. The support coordinator, in cooperation with the participant, will implement the plan of support as approved.

B. The support coordinator will serve as the primary resource to individuals with disabilities or their families in development and implementation of the plan of support.

C. Individuals and families receiving supports will be expected to assume personal responsibility for use of the individual and family support funds.

D. When participants have demonstrated the need for assistance in overseeing supports, which maintain health, safety and protection from abuse, neglect or exploitation, the LGE will be responsible to provide active support to that individual or family.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:668 (April 2017).

§1123. Eligible Supports

A. Individual and family support program supports are intended to maintain maximum flexibility in meeting the needs of eligible individuals with developmental disabilities and their families, which exceed those normally met by use of existing LGE funding and other resources of the LGE, family and community. Because every individual is unique, supports will be unique and will change with time and the circumstances of the individual and family needing supports.

1. Examples of eligible supports include, but are not limited to:

- a. special equipment/supplies;
- b. special nutrition/clothing;
- c. special therapies;
- d. respite;
- e. medical expenses;
- f. medications;
- g. therapeutic services;
- h. personal care attendant;
- i. home modifications;
- j. crisis intervention;
- k. family training/therapies

- l. homemaker services;
- m. vehicle modifications;
- n. recreation services;
- o. communication services;
- p. transportation;
- q. counseling services;
- r. home health services;
- s. support coordination;
- t. specialized utility costs;
- u. sitter services;
- v. equipment and supplies;
- w. adaptive equipment;
- x. nutritional supplies;
- y. personal assistance services;
- z. companion/roommate services;
- aa. special evaluations;
- bb. therapeutic nursing services;
- cc. family subsidy;
- dd. vocational/employment supports;
- ee. specialized diagnosis and evaluation;
- ff. and dental/medical care not otherwise available.

2. Individual and family support funds will not supplant other sources of funding. Eligible supports are limited to those for which an individual or family is not eligible through existing public or private programs or other funding sources.

3. Individual and family support funds can be used to supplement other sources of payment only when that funding is deemed by the developmental disabilities director to be insufficient to meet existing needs and is fully documented as such in the participant record.

4. Financial subsidy does not reflect a growth in family income; it will not be used in calculations for eligibility for public entitlements except for ineligibility to participate in the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:668 (April 2017).

§1125. Ineligible Supports

A. Supports ineligible for payment by individual and family support funding include:

1. items or supports for which an individual or family is routinely eligible under existing programs, such as Medicaid state plan services, home and community-based waiver services, local educational organization, etc., unless there is sufficient documented justification that the specific needs of the individual or family exceed existing policy guidelines;

2. items or supports for which a school-aged (3-22 years) child is eligible as a "related service" under Public Law 94-142, or, which an EarlySteps eligible child/family is entitled to receive as part of the EarlySteps system, unless there is sufficient documentation of efforts to address the need through the child's individualized education program (IEP) or IFSP conference, and to pursue due process if warranted;

3. payments to related persons or unrelated persons who reside in the home of the participant, unless such payment is a part of a contracted arrangement for persons living independently in the community;

4. behavior management for school-aged children, unless maladaptive behavior(s) will likely result in out-of-home placement in the absence of such supports;

5. funding for supports and/or equipment for individuals with developmental disabilities when needed only for the care giver's health, unless, such requests are based on supporting the care giver's long-term ability to maintain the participant in the home and community; and

6. funding for any costs associated with the participant's individual or family liability for employment of persons to provide individual and family support funded services, more specifically FICA taxes, workman's compensation insurance, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:669 (April 2017).

§1127. Payment Mechanisms

A. The developmental disabilities director, or designee, shall authorize all expenditures of individual and family support funds and shall have final discretion on the type of payment mechanism, with appropriate prior notifications to the executive director of a LGE as specified by the OCDD.

B. Individual and family support program supports may be provided through any legitimate and appropriate funding mechanism authorized by current Department of Health contracting or purchasing practices or the policies and procedures established by a LGE. This may include the use of individual agreements for goods and services, purchase orders (integrated statewide information system mechanism) for purchase of goods, and contracts for supports with either individuals or external agencies.

C. Documentation will be required for all individual and family support funds expended. This may take the form of receipts for goods or services, time-sheets for service delivery, utility statements, etc.

D. When an individual receiving individual and family support services moves to a region served by a different LGE and the service is still needed at the new location, the LGEs will negotiate the continuation of the funding of the service in order to ensure continuity of service.

E. The appropriate support coordinator will instruct the participant on the means to document delivery of supports, including providing appropriate billing forms and/or special instructions, both at the point of initiation of supports and quarterly thereafter for the duration of service provision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:669 (April 2017).

§1129. Fiscal Control of Use of Individual and Family Support Funds

A. The plan of support for each recipient of individual and family support funds shall clearly reflect the intended utilization of supports and be specific to the type and level of

support to be received; conditions of delivery of service; and the frequency, duration, and effectiveness of the service.

B. The developmental disabilities director shall be responsible for the appropriate use of individual and family support funds in cooperation with the support coordinator to ensure that no support or service is funded, which is not clearly identified on an approved plan of support.

C. All individual and family support agreements will contain clear identification of any payroll and/or other taxes as the sole responsibility of the participant and not the LGE. No individual and family support sponsored reimbursement may be used in any way to defer the participant responsibility for payroll tax payment or deferral.

D. All questions about payroll or other taxes or other fiscal responsibilities of participants of individual and family support funds are to be referred to tax specialists for advice and/or resolution of questions. No OCDD or LGE employee may answer participant questions about legal obligations of the participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:669 (April 2017).

§1131. Monitoring the Plan of Support

A. Support coordinators will maintain at least quarterly contact with the participant, with documentation to the record, for the duration of supports; contact can be face-to-face or by telephone except that home or vehicle modification(s) will be viewed by the support coordinator. Regardless of the manner of monitoring, a record of monitoring activities shall be maintained in the participant record at the LGE office.

B. Active plans of support will be monitored for the duration of support provision; the participant record will clearly indicate the period during which monitoring will occur and the point at which monitoring can be terminated.

C. Monitoring of supports shall address fiscal issues of whether receipts satisfy and conform to the conditions of delivery of the plan of support. Processing of receipts and billing forms shall not be considered an adequate monitoring of delivery of support.

D. Monitoring of the plan of support will involve follow-up of questionable fiscal practices, including attempts to recoup inappropriate payment if necessary. Such instances will include, but not be limited to, when adequate receipts are not submitted, when eligibility is in question, or when the individual or family has demonstrated questionable compliance with program policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:670 (April 2017).

§1133. Regional Program Monitoring and Reporting

A. Each LGE will conduct a supervisory review of at least 10 percent of the plans of support of individual and family support applicants and participants on an at least quarterly basis to ensure compliance with program guidelines and quality of service delivery to persons requesting and receiving individual and family support

program supports. This internal review shall be the responsibility of the LGE and supervisory personnel as designated by the developmental disabilities director.

B. Each LGE will monitor individual and family support funds allocated for its use and report in the format required by the OCDD central office. Periodic reports will be generated by the central data management system of the OCDD.

C. An annual review of LGE program operations will be completed by personnel of the OCDD central office as designated by the assistant secretary, and each LGE will work cooperatively with officials of authorized state or federal agencies to satisfy audit or monitoring requirements as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:670 (April 2017).

§1135. Terminations

A. Terminations occur when an individual and family support service has been approved and is then terminated for one of the reasons listed in Subsection B of this Section. This is not the same as a closure of request which occurs before a service is approved.

B. Terminations may be initiated by the LGE or individual or family receiving the individual and family support service for the any of the following reasons:

1. death of the participant;
2. fraud;
3. relocation of the individual receiving supports outside of Louisiana;
4. termination of program;
5. deterioration of participant health and/or functioning;
6. confirmed abuse, neglect or exploitation of participant (individual with developmental disabilities);
7. significant changes in family constellation;
8. participant request when the individual with developmental disabilities is of majority and legally competent;
9. substantial changes and failure to report such changes in individual and family circumstance that results in the participant becoming eligible for support from sources other than the individual and family support program, and the program is no longer the payor of last resort such as, but not limited to:
 - a. receipt of or certification of Medicaid services (new opportunities waiver; children's choice waiver; supports waiver; residential options waiver; early and periodic screening, diagnostics and treatment or EPSDT; personal care services or PCS; long term-personal care services or LT-PCS; community choices waiver; and adult day health care waiver);
 - b. trust funds; and
 - c. change in living arrangements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:670 (April 2017).

§1137. Appeals

A. Persons requesting individual and family support funds and recipients of supports who have been denied supports or had supports reduced or terminated, have access to the Division of Administrative Law-Louisiana Department of Health (LDH) section.

B. Applicants and recipients of supports will be informed of their right of appeal and of the process of appeal when a determination of whether individual and family support funds will or will not be made available and at what level, and at termination of supports.

C. Appellants will have 30 days from the date of notification of the action to register an appeal of that action.

D. To make an appeal, individuals can contact either their support coordinator or the LGE office by telephone, in writing or in person, for assistance.

E. The appellant, with or without the assistance of the support coordinator, will be responsible for completing the appropriate documentation and forwarding it to the Division of Administrative Law-LDH section as set forth by the OCDD.

F. The LGE will cooperate with the Division of Administrative Law to provide information as appropriate to complete the appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:824.

HISTORICAL NOTE: Promulgated by the Department of Health, Office for Citizens with Developmental Disabilities, LR 43:671 (April 2017).

Rebekah E. Gee MD, MPH
Secretary

1704#031

RULE

**Department of Public Safety and Corrections
Office of State Police**

Concealed Handgun Permit (LAC 55:I.Chapter 13)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., R.S. 40:1379.1, R.S. 40:1379.3, R.S. 40:1381, and R.S. 40:1382, has amended its rules regulating the issuance of concealed handgun permits.

**Title 55
PUBLIC SAFETY
Part I. State Police**

Chapter 13. Issuance of Concealed Handgun Permits

§1301. Applications and Permits

A. The rules contained herein are promulgated by the Concealed Handgun Permit Unit of the Department of Public Safety and Corrections, Office of State Police, in order to set forth the policies and procedures applicable to the issuance of concealed handgun permits to Louisiana citizens who qualify for such permits pursuant to R.S. 40:1379.1 and 40:1379.3; to provide statewide uniform standards for issuing permits to carry concealed handguns; and to maintain the health, welfare, and safety of the public. These considerations shall control the application and interpretation of these rules. Any subsequent restatement,

repeal, or amendment of these rules shall be in accordance with the aforementioned considerations.

B. Applicability. The policies and procedures provided herein shall be applicable to all Louisiana citizens who are eligible for a statewide concealed handgun permit.

C. Duties and Responsibilities. Persons issued concealed handgun permits have the authority only to carry a concealed weapon and are regarded as private citizens in all matters of law with no special powers or authority accruing by virtue of the concealed handgun permit.

D. Application. Eligible persons shall be entitled to receive the concealed handgun permit, as set forth above; provided that all requirements of the superintendent of state police relating to application shall be satisfied. Applications shall be submitted in the manner prescribed by the superintendent of state police and will include the submission of such documents and materials establishing eligibility as the superintendent may deem necessary.

E. Suspension/Revocation. The superintendent of state police or his designee may suspend or revoke concealed handgun permits when conditions and/or circumstances are such that the holder of such permit can no longer show need or when the holder commits acts contrary to law or uses the permit for self aggrandizement or in an unreasonable and imprudent manner.

F. Arrest Record. If the applicant has an arrest record, he shall present a notarized statement from the clerk of court or district attorney of the parish or county in which the arrests were made which specifies the disposition on all charges.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379.1, 40:1379.3, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 1:495 (November 1975), amended by the Department of Public Safety and Corrections, Office of State Police, LR 22:845 (September 1996), LR 38:1279 (May 2012), repromulgated LR 38:1415 (June 2012), amended LR 43:671 (April 2017).

§1303. Issuance of Special Officer's Commission

A. Purpose. The purpose of this regulation is to set forth the policies and procedures applicable to the issuance of special officer's commission to persons showing need for such commissions as required in accordance with the provisions of title 40, section 1379.1 of the *Louisiana Revised Statutes*.

B. Applicability. The policies and procedures provided herein shall be applicable to all officers, agents, and employees of agencies, boards and commissions of the state of Louisiana; of local government subdivisions; of private institutions or others who display a need for statewide police power and power to arrest, are bonded and meet other restrictions as required.

C. Duties and Responsibilities. Authorized persons commissioned as special officers shall have the direct authority to perform those activities specified on the special officer's commission card. However, when the holder of a special officer's commission is not performing those tasks specified on the commission card, he shall be regarded as a private citizen and his commission shall not be in effect.

D. Application. The superintendent of state police shall be authorized to issue, at his discretion, a special officer's commission from the Office of State Police. All requirements of the superintendent of state police relating to