



State of Louisiana
Louisiana Department of Health
Office of the Secretary

February 8, 2019

VIA STATUTORILY PRESCRIBED EMAIL W/REPLY REQUESTED

TO: The Honorable Fred H. Mills, Jr. Chairman, Senate Health & Welfare Committee (apa.s-h&w@legis.la.gov)
The Honorable Frank A. Hoffmann, Chairman, House Health & Welfare Committee (apa.h-hw@legis.la.gov)

FROM: Rebekah E. Gee, MD, MPH, Secretary *Cindy Kuefer*
Louisiana Department of Health

RE: Oversight Report – Office for Citizens with Developmental Disabilities – Community and Family Support System Flexible Family Fund (LAC 48:I.Chapter 161) NOI (LR 44:2341)

The Office for Citizens with Developmental Disabilities (OCDD), pursuant to La. R.S. 36:254, proposes to amend LAC 48:I.Chapter 161. The following report regarding the proposed amendments is being submitted in accordance with La. R.S. 49:968D.

In accordance with La. R.S. 49:968B, OCDD submitted a report dated December 10, 2018, of proposed amendments to the appropriate legislative committees, presiding officers of the House and Senate, and other state offices.

The public comment period was held open until 4:30 PM on January 29, 2019. Pursuant to La. R.S. 49:968D(1)(b), the Secretary of the Louisiana Department of Health submits the following summary report of the comments received as a result of the publication of the notice of intent in the December 20, 2018, *Louisiana Register*.

I. La. R.S. 49:968D(1)(b)(i) – A summary of public hearing testimony:

No public hearing was requested, thus a public hearing was not held.

II. La. R.S. 49:968D(1)(b)(ii) – A summary of all comments received, a copy of the agency's responses, and a statement of the agency's action resulting from comments received:

One comment was received via electronic mail from Tanya Magee, Executive Director of the Imperial Calcasieu Human Services Authority. In her written comments, Ms. McGee makes the following suggestions:

- a) §16105 – Suggests the addition of the terms “initial” or “new” to clarify application procedures allowing applicants to retain their protected date of application during the annual renewal application process. Requests clarification on whether the screening and one of the seven requirements in subsection “E” were required in order to be meet minimum eligibility requirements.
- b) §16103 – Requests clarification on whether the Emotional Disturbance Severity Screening Instrument is a new requirement and if it is appropriate to continue using the instrument that is currently being used.
- c) §16107 – Suggests alternative wording in order to avoid possible ambiguity in the interpretation of the rule.
- d) §16111 – Requests clarifying language for termination of FFF in the event a responsible caregiver is no longer providing the primary care and management of the child.

III. La. R.S. 49:968D(b)(iii) – A revision of the proposed rule since submitting the first oversight report required by La. R.S. 49:968B, or a statement no changes were made:

No changes were made to the proposed rule.

IV. La. R.S. 49:968D(b)(iv) – A concise statement of the principal reasons for and against adoption of any amendments or changes suggested:

No changes were made to the proposed rule.

The Office for Citizens with Developmental Disabilities expects to publish the final rule in the March 20, 2019, *Louisiana Register* as soon as permissible under the Administrative Procedures Act. Please inform us of your decision on whether or not you intend to hold a hearing as permitted by La. R.S. 49:968D(2)(a).

Please contact Stanley Bordelon, LDH Rulemaking Coordinator, at (225) 219-3454, if you have any questions or require additional information about this matter.

/sjb

Attachments (1): Response to Ms. Tanya McGee, Executive Director, Imperial Calcasieu Human Services Authority



State of Louisiana
Louisiana Department of Health
Office for Citizens with Developmental Disabilities

February 4, 2019

Tanya McGee, Executive Director
Imperial Calcasieu Human Services District
One Lakeshore Drive, Suite 2000
Lake Charles, Louisiana 70629

Re: Public Comment on Proposed Rule/Notice of Intent
Flexible Family Fund (FFF)

Dear Ms. McGee:

This letter is in response to the comments provided in an email dated January 10, 2019 submitted on behalf of Imperial Calcasieu Human Services Authority (ImCalHSA) to Tanya Murphy of the Office for Citizens with Developmental Disabilities (OCDD) pertaining to the Notice of Intent of the Proposed Rule for the OCDD Flexible Family Fund Program. OCDD would like to thank you for taking the time to provide comments regarding this Notice of Intent.

As to your comment referring to Section 16105, OCDD will promulgate and circulate an updated FFF policy, which will contain specific detailed information about the annual renewal application process which will preserve the protected application date and the deadline surrounding the annual waiting list application process.

ImCalHSA suggests adding a specific condition for termination of the FFF in Section 16111 when the legally responsible caregiver is no longer providing the primary care and management of the child. OCDD has considered this comment and does not believe that additional language is necessary to cover this specific situation. Further, the individual agreement should include a provision that requires the child to reside with the legally responsible caregiver.

Your comments concerning the Emotional Disturbance (ED) Severity Screening Instrument were reviewed and considered. This information was included in the Rule to clarify that an appropriate "behavioral health-related tool" should be used to handle the severity screening for an individual who is qualifying for FFF based on an ED. The use of an ED severity screening instrument is not a new requirement for eligibility to receive FFF funds. The rule details the two-step process of 1) documentation options that may be

Tanya McGee, Executive Director

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used to show the presence of ED, and 2) consistent use of the LGE-selected tool to screen for the point-in-time severity of that ED.

The additional remarks included in your correspondence appear to be requests for guidance on implementing the proposed final rule. OCDD and OBH will be able to provide additional guidance through training and assistance with development of your LGE's manual.

Sincerely,



Julie Foster Hagan

Assistant Secretary

Office for Citizens with Developmental Disabilities