



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

August 7, 2019

**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:** Rebekah E. Gee, MD, MPH  
Secretary

*Cindy Rivers for*

**Re:** First Report. Proposed Amendments to LAC 48:I.16115 – Flexible Family Fund - Appeals

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 Community and Family Support System – Flexible Family Fund (FFF), LAC 48:I.16115.

- 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.

The department proposed to add language to ensure the timeline for an appeal deadline is set.

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

R.S. 28:824 L.

IV. Circumstances which require the amendment of the rule.

The current rule is being amended upon the recommendations of the Division of Administrative Law in order to ensure that the timeline for and appeal deadline is set.

V. Statement of Fiscal and Economic Impact.

See attachment.

Please contact Carol Lee, OCDD Rulemaking Liaison, at [carol.lee@la.gov](mailto: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  
Karen Stubbs, Assistant Secretary, Office of Behavioral Health  
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**

**Community and Family Support System—Flexible Family Fund**

(LAC 48:I.16115)

Under the authority of R.S. 28.824, 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:I.16115, Appeals in the Community and Family Support System. The intent of the proposed amendment is to set the timeline for an appeal deadline.

**Title 48**

**Public Health—General**

**Part 1. General Administration**

**Subpart 11. Community and Family Support System**

**Chapter 161. Community and Family Support System—Flexible**

**Family Fund**

**§16115. Appeals**

A. ...

B. All persons receiving an adverse eligibility determination shall have 30 calendar days from the date on the letter notifying the person of the adverse eligibility decision to request an appeal.

~~B.~~C. The local governing entity (LGE) will prepare a summary of evidence upon being notified of an appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:188 (February 1992), amended LR 23:865 (July 1997), LR 28:1022 (May 2002), LR 33:1137 (June 2007), amended by the Department of Health and Hospitals, Office of the Secretary and the Department of Children and Family Services, Office of the Secretary, LR 37:2587 (September 2011), amended the Department of Health, Office for Citizens with Developmental Disabilities, LR 45:561 (April 2019), amended by the Department of Health, Office for Citizens with Developmental Disabilities, LR 45:

### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular 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 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 will 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 Tanya Murphy, Office for Citizens with Developmental Disabilities, P.O. Box 3117, Baton Rouge, LA 70821-3117. Ms. Murphy is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is 4:30 p.m. on September 30, 2019.

### **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 September 10, 2019. 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 September 26, 2019 in Room 173 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 September 10, 2019. 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 of Citizens for Developmental Disabilities  
Return Address: P.O. Box 3117 Rule Title: Community and Family Support System - Flexible Family Fund  
Baton Rouge, LA 70821  
Date Rule Takes Effect: November 20, 2019  
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 of Citizen with Developmental Disabilities (OCDD) by approximately \$299 in FY 20 for the publication of the proposed rule.

The Flexible Family Fund (FFF) Program provides monthly stipends on a first-come, first-serve basis to families of eligible children with severe developmental disabilities from birth to age 18 to help their families meet extraordinary costs.

This rule change is being proposed to codify an existing practice of the Flexible Family Fund (FFF) Program appeals section. Currently, families receive written notification of the 30-day deadline to appeal. The proposed amendment codifies the 30-day deadline into the administrative rules.

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

Implementation of the proposed rule will have no 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)

The proposed rule changes will not have an economic cost or benefit to certain families with children with severe developmental disabilities.

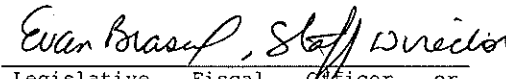
IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule has no known effect on competition and employment.

  
\_\_\_\_\_  
Signature of Agency Head or Designee

Julie Foster Hagan , Assistant  
Secretary  
\_\_\_\_\_  
Typed Name and Title of Agency Head  
or Designee

07/29/19  
\_\_\_\_\_  
Date of Signature

  
\_\_\_\_\_  
Legislative Fiscal Officer or  
Designee

7/31/19  
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Date of Signature