

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

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

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.