



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

**To:** The Honorable John Bel Edwards, Governor, State of Louisiana (Via Email)  
The Honorable Jeff Landry, Attorney General, Louisiana Department of Justice (apa.submission@ag.louisiana.gov)  
The Honorable Patrick Page Cortez, President, Louisiana Senate (apa.senatepresident@legis.la.gov)  
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives (apa.housespeaker@legis.la.gov)  
Catherine Brindley, Editor, *Louisiana Register* (reg.submission@la.gov)  
Senate Health and Welfare Committee (apa.s-h&w@legis.la.gov)  
House Health and Welfare Committee (apa.h-hw@legis.la.gov)

**From:** Dr. Courtney N. Phillips, Secretary, Louisiana Department of Health

**Date:** April 8, 2022

**Re:** Justification of Promulgation of Emergency Rule  
Emergency Telemedicine/Telehealth (LAC 50:I.505)

**MEMORANDUM**

In accordance with the Administrative Procedure Act (La. R.S. 40:950 *et seq.*) as amended, the Louisiana Department of Health is submitting the following emergency rule that amends Emergency Telemedicine/Telehealth (LAC 50.I.505).

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact Marcus Bachhuber, MD, at [Marcus.Bachhuber@la.gov](mailto:Marcus.Bachhuber@la.gov).

Attachments: Emergency Rule – Emergency Telemedicine/Telehealth (LAC 50.I.505)

**Cc:** Patrick Gillies, LDH Medicaid Director  
Veronica Dent, LDH Medicaid Program Manager  
Bethany Blackson, LDH Legislative Liaison  
Catherine Brindley, *Louisiana Register* Editor, Office of the State Register

**DECLARATION OF EMERGENCY**

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

**Emergency Telemedicine/Telehealth  
(LAC 50:I.505)**

The Department of Health, Bureau of Health Services Financing adopts LAC 50:I.505 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions governing coverage of telemedicine during a declared emergency (*Louisiana Register*, Volume 46, Number 4). The department has now determined that it is necessary to amend the March 16, 2020 Emergency Rule in order to update and clarify the provisions governing telemedicine/telehealth services provided through an interactive audio system, without the requirement of video, in the event of a declared emergency or disaster. This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued and expanded access to

telemedicine/telehealth services in the event of a declared emergency or disaster.

Effective April 20, 2022, the Department of Health, Bureau of Health Services Financing amends the Emergency Rule adopted on March 16, 2020 in order to update and clarify the provisions governing coverage of telemedicine/telehealth in the event of a declared emergency or disaster.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part I. Administration**  
**Subpart 1. General Provisions**

**Chapter 5. Telemedicine/Telehealth**

**§505. ~~Telemedicine in the Event of an Emergency~~Emergency  
Provisions**

A. In the event ~~of a declared~~ that the federal or state government declares an emergency or disaster, the Medicaid Program may temporarily cover services provided through the use of an interactive audio telecommunications system, without the requirement of video, if such action is determined to be deemed necessary to ensure sufficient services are available to meet recipients' beneficiaries' needs.

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 48:

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.

Interested persons may submit written comments to Patrick Gillies, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Mr. Gillies is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Dr. Courtney N. Phillips

Secretary

*Alk J April 8, 2022*

**PROVIDER IMPACT STATEMENT**

**Emergency Telemedicine/Telehealth**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this Emergency Rule has been considered. It is anticipated that this Emergency 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.

Dr. Courtney N. Phillips

Secretary