



State of Louisiana
Louisiana Department of Health
Office of the Secretary

To: The Honorable John Bel Edwards, Governor, State of Louisiana
The Honorable Jeff Landry, Attorney General, Louisiana Department of Justice
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: February 19, 2021

Re: Justification of Promulgation of Emergency Rule
LAC 50:VII. 32904

MEMORANDUM

In accordance with the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) as amended, the Louisiana Department of Health, Bureau of Health Services Financing, is submitting the following emergency rule that amends LAC 50:VII.32904.

This action is being taken as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. The Department of Health, Bureau of Health Services Financing hereby rescinds the February 1, 2021 Emergency Rule which amended the provisions governing temporary rates for intermediate care facilities for persons with intellectual disabilities.

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact Denis Beard, Medicaid Program Manager, at Denis.Beard@la.gov.

Attachments: Emergency Rule – LAC 50:VII.32904

cc: Kelly Zimmerman, LDH Interim Medicaid Deputy Director
Jennifer Katzman, LDH Interim Senior Staff Advisor
Andrew Perilloux, LDH Medicaid Section Chief
Daniel Cochran, LDH Medicaid Deputy Director
Kimberly Humbles, LDH General Counsel
Stephen Russo, LDH Executive Counsel
Veronica Dent, LDH Medicaid Program Manager
Anita Dupuy, LDH Legislative Liaison
Catherine Brindley, *Louisiana Register* Editor, Office of the State Register

DECLARATION OF EMERGENCY

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

**Intermediate Care Facilities for Persons with Intellectual
Disabilities
Temporary Reimbursement for Private Facilities
(LAC 50:VII.32904)**

The Department of Health, Bureau of Health Services Financing hereby rescinds the February 1, 2021 Emergency Rule which adopted provisions in the Medical Assistance Program in order to implement a temporary reimbursement rate for private intermediate care facilities for persons with intellectual disabilities (ICFs/IID) 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(B)(1) et seq., 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 the temporary rates for intermediate care facilities for persons with intellectual disabilities (ICFs/IID) that have a cooperative endeavor agreement with the Office for Citizens with Developmental Disabilities and have a high concentration of people who have intellectual/developmental disabilities, significant behavioral health needs, and high risk behavior

resulting in previous interface with the judicial system, and for whom no other private ICFs/IID provider is able to support (*Louisiana Register*, Volume 47, Number 2). The department has now determined that it is necessary to rescind the Emergency Rule which was adopted on February 1, 2021 and published in the February 20, 2021 edition of the *Louisiana Register*.

Effective February 19, 2021, the Department of Health, Bureau of Health Services Financing hereby rescinds the February 1, 2021 Emergency Rule which amended the provisions governing temporary rates for intermediate care facilities for persons with intellectual disabilities.

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc 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



2/19/21