



State of Louisiana
Louisiana Department of Health
Office of the Secretary

To: The Honorable Jeff Landry, Governor, State of Louisiana (Via Email)
The Honorable Liz Murrill, Attorney General, Louisiana Department of Justice (apa.submission@ag.louisiana.gov)
The Honorable Cameron Henry, President, Louisiana Senate (apa.senatepresident@legis.la.gov)
The Honorable Phillip DeVillier, Speaker, Louisiana House of Representatives (apa.housespeaker@legis.la.gov)
Andrea Trantham, Editor, *Louisiana Administrative Code* (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: Michael Harrington, MBA, MA, Secretary, LDH

Date: January 28, 2025

A handwritten signature in blue ink, appearing to be "MH", located to the right of the "From:" field.

Re: Justification of Promulgation of Emergency Rule
Intermediate Care Facilities for Persons with Intellectual Disabilities –
Temporary Reimbursement for Private Facilities (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 is submitting the following emergency rule that amends Intermediate Care Facilities for Person with Intellectual Disabilities – Temporary Reimbursement for Private Facilities (LAC 50:VII.32904).

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact Enrika LaCour, at Enrika.LaCour@la.gov and Jackie Cummings, at Jackie.Cummings2@la.gov.

Attachments: Intermediate Care Facilities for Person with Intellectual Disabilities – Temporary Reimbursement for Private Facilities (LAC 50:VII.32904)

Cc: Kimberly Sullivan, Medicaid Director, LDH
Brian Bennett, Medicaid Deputy Director, LDH
Catherine Brindley, Medicaid Manager, LDH
Bethany Blackson, Chief of Staff, LDH
Andrea Trantham, *Louisiana Administrative Code* 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 amends LAC 50:VII.32904 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. 49:962 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Effective January 30, 2025, this Emergency Rule will extend 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.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring that eligible ICFs/IID are able to maintain the current level of service.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 329. Reimbursement Methodology

Subchapter A. Non-State Facilities

§32904. Temporary Reimbursement for Private Facilities

A. - A.4. ...

B. The temporary Medicaid reimbursement rate shall not extend beyond December 31, 2028.

C. - E.2.d. ...

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 47:593 (May 2021), amended LR 48:2129 (August 2022), LR 49:688 (April 2023), LR 51:


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.

Kimberly Sullivan, JD, Bureau of Health Services Financing, 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.

Michael Harrington, MBA, MA

Secretary


1/28/25