



**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:** Stephen R. Russo, JD, Secretary, LDH 

**Date:** June 9, 2023

**Re:** Justification of Promulgation of Emergency Rule  
Home and Community-Based Services Waivers – Residential Options Waiver –  
Self-Direction Initiative (LAC 50.XXI.16501)

---

**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 Home and Community-Based Services Waivers – Community Choices Waiver – Self-Direction Initiative (LAC 50:XXI.8501).

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

Attachments: Emergency Rule – Home and Community-Based Services Waivers – Residential Options Waiver – Self-Direction Initiative (LAC 50:XXI.16501)

**Cc:** Julie Foster Hagan, OCDD Assistant Secretary, LDH  
Paul Rhorer, OCDD Program Manager, LDH  
Tara LeBlanc, Medicaid Director, LDH  
Tangela Womack, Medicaid Deputy Director, LDH  
Veronica Dent, Medicaid Manager, LDH  
Bethany Blackson, Legislative Liaison, LDH  
Catherine Brindley, *Louisiana Register* Editor, Office of the State Register

**DECLARATION OF EMERGENCY**

**Department of Health  
Bureau of Health Services Financing  
and  
Office for Citizens with Developmental Disabilities**

**Home and Community-Based Services Waivers  
Residential Options Waiver  
Self-Direction Initiative  
(LAC 50:XXI.16501)**

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend LAC 50:XXI.16501 as authorized by R.S. 36:254 and 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.

The Residential Options Waiver (ROW) self-direction initiative allows beneficiaries to exercise employer authority in the delivery of authorized community living supports under the self-direction service option. The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the ROW self-direction initiative in order to remove specific requirements for employees of beneficiaries in the self-direction service option and stipulate that these providers must

meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92.

This action is being taken to promote the health and welfare of ROW beneficiaries by increasing provider participation in the Medicaid Program. It is anticipated that implementation of this Emergency Rule will have no fiscal impact for state fiscal year 2022-2023.

Effective June 9, 2023, the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amend the provisions governing the ROW self-direction initiative in order to remove specific requirements for employees of beneficiaries in the self-direction service option and stipulate that these providers must meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92.

**Title 50**  
**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part XXI. Home and Community-Based Services Waivers**  
**Subpart 13. Residential Options Waiver**

**Chapter 165. Self-Direction Initiative**

**§16501. Self-Direction Service Option**

A. - D.3. ...

E. Employees of beneficiaries in the self-direction service option are not employees of the fiscal agent or the department.

1. Employee Qualifications. All employees under the self-direction option must meet the qualifications for furnishing personal care services as set forth in LAC 48:I.Chapter 92.

~~a. be at least 18 years of age on the date of hire;~~

~~b. pass required criminal background checks; and~~

~~c. be able to complete the tasks identified in the plan of care.~~ a - c. Repealed.

F. ...

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 and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2167 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:1525 (October 2021), LR 48:1572 (June 2022), LR 49:

Tara A. LeBlanc, 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.

Stephen R. Russo, JD

Secretary

*ahj 6/9/23*