

DECLARATION OF EMERGENCY

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

**Medicaid Eligibility
Special Income Level Eligibility Termination**

The Department of Health, Bureau of Health Services Financing hereby repeals the provisions of the March 20, 1986 Rule governing Medicaid Eligibility for recipients of long-term care and home and community-based services as authorized by R.S. 36:254, pursuant to Title XIX of the Social Security Act, and as directed by Act 3 of the 2017 Second Extraordinary Session of the Louisiana Legislature which states: "The secretary is directed to utilize various cost containment measures to ensure expenditures remain at the level appropriated in this Schedule, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations, drug therapy management, disease management, cost sharing, and other measures as permitted under federal law." 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.

The Department of Health and Human Resources, Office of Family Security promulgated a Rule which continued the provisions of the January 1, 1986 Emergency Rule (*Louisiana*

Register, Volume 11, Number 12) which amended the provisions governing Medicaid Eligibility in order to increase the maximum income limit before deductions for recipients eligible for long-term care and home and community-based services to 300 percent of the Supplemental Security Income benefit rate, otherwise referred to as the Special Income Level (SIL) eligibility group (*Louisiana Register*, Volume 12, Number 3).

As a result of a budgetary shortfall in state fiscal year 2018-2019, the department has determined that it is necessary to promulgate an Emergency Rule to repeal the provisions of the March 20, 1986 Rule governing Medicaid Eligibility in order to terminate the optional Medicaid SIL eligibility group coverage. This action is being taken to avoid a budget deficit in the Medical Assistance Program. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately \$971,687,052 for state fiscal year 2018-2019.

Effective July 1, 2018, the Department of Health, Bureau of Health Services Financing repeals the provisions of the March 20, 1986 Rule governing the optional Medicaid SIL eligibility group coverage.

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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.

Rebekah E. Gee MD, MPH

Secretary