

**DECLARATION OF EMERGENCY**

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

**Laboratory and Radiology Services  
Termination of Coverage for Proton Beam Radiation Therapy  
(LAC 50:XIX.4334)**

The Department of Health, Bureau of Health Services Financing rescinds the September 21, 2017 Emergency Rule governing laboratory and radiology services as authorized by R.S. 36:254. 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 adopted an Emergency Rule which amended the provisions governing laboratory and radiology services to terminate coverage and reimbursement of proton beam radiation therapy for recipients 21 years of age and older (*Louisiana Register*, Volume 43, Number 10).

The department has now determined that it is necessary to rescind the provisions of the September 21, 2017 Emergency Rule governing laboratory and radiology services which terminated coverage and reimbursement of proton beam radiation therapy for recipients 21 years of age and older. Effective immediately, upon adoption of this Emergency Rule, the department shall

return to the provisions in place governing coverage of proton beam therapy under laboratory and radiology services in LAC 50:XIX.4334. This action is being promulgated in order to promote the health and welfare of Medicaid recipients in Louisiana by ensuring continued access to laboratory and radiation services for recipients 21 and over.

Effective October 7, 2017, the Department of Health, Bureau of Health Services Financing rescinds the September 21, 2017 Emergency Rule terminating coverage and reimbursement of proton beam radiation therapy for recipients 21 years of age and older which will be published in the October 20, 2017 edition of the *Louisiana Register*.

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Secretary