

NOTICE OF INTENT

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

**Crisis Receiving Centers
Licensing Standards
(LAC 48:I.Chapters 53 and 54)**

The Department of Health, Bureau of Health Services Financing proposes to amend the LAC 48:I.Chapters 53 and 54 as authorized by R.S. 36:254 and R.S. 40:2180.11 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49.950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing licensing standards for crisis receiving centers (CRCs) in order to clarify the language in the administrative Rule and add provisions for emergency preparedness and infection control, optional participation in the Patient Compensation Fund, physical environment requirements, and inactivation of the CRC license due to a non-declared emergency or disaster.

**Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing**

Chapter 53. Level III Crisis Receiving Centers

Subchapter A. General Provisions

§5301. Introduction

A. — A.3. ...

B. The purpose of a CRC is to provide intervention and stabilization services in order for the client to achieve stabilization and be discharged and referred to the lowest appropriate level of care that meets the client's needs. The estimated length of short term stay in a CRC is 3-7 days.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:101 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5303. Definitions

Cessation of Business—provider is non-operational and/or has stopped offering or providing services to the community.

Change of Ownership (CHOW)—the addition, substitution, or removal, whether by sale, or transfer, whether by purchase, lease, gift or otherwise, of a CRC-licensed health care provider subject to this rule by a ~~person/corporation~~person, corporation, or other entity, which ~~of controlling interest that~~ results in a change of ownership (CHOW) or ~~control of 30 percent or greater of either the voting rights or assets of a CRC or that results in the acquiring person/corporation holding a 50 percent or~~

~~greater interest in the ownership or control of the CRC~~change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity. An example of an action that constitutes a CHOW includes, but is not limited to, the leasing of the licensed entity.

~~Department—the Louisiana Department of Health—and Hospitals.~~

~~Disaster or Emergency—a~~ local, community-wide, regional or statewide event that may include, but is not limited to:

1. - 8. ...

9. declared public health crisis.

~~Division of Administrative Law (DAL)—The Louisiana Department of State Civil Service,~~the Division of Administrative Law or its successor entity.

~~HSS—the Health Standards Section of~~ the Department of Health~~—and Hospitals~~, Office of the Secretary, Office of Management and Finance,~~Health Standards Section.~~

~~Level III Crisis Receiving Center (or Center or CRC)—an~~ agency, business, institution, society, corporation, person or persons, or any other group, licensed by the Department of

Health ~~and Hospitals~~ to provide crisis identification, intervention and stabilization services for people in behavioral crisis. CRCs receive, examine, triage, refer, or treat people in behavioral health crisis. A CRC shall have no more than:

a. 36 chairs for crisis stabilization/observation;
and

b. 24 beds for short term stay (three to seven days).

Note: Refer to physical environment Section of this Chapter for physical space requirements.

Major Alteration—any repair or replacement of building materials and equipment which does not meet the definition of minor alteration.

Minor Alteration—repair or replacement of building materials and equipment with materials and equipment of a similar type that does not diminish the level of construction below that which existed prior to the alteration. This does not include any alteration to the function or original design of the construction.

OBH—the Department of Health ~~and Hospitals~~, Office of Behavioral Health.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:102 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter B. Licensing

§5311. Initial Licensure Application Process

A. ...

B. A person/entity/organization applying for an initial license must submit a completed initial licensing application packet which shall include:

1. - 6. ...

7. except for governmental entities or organizations, proof of financial viability, comprised of the following:

a. ...

b. general ~~and professional~~ liability insurance of at least \$500,000 per occurrence; ~~and~~

c. worker's compensation insurance in the amount as required by state law;

d. professional liability insurance of at least \$100,000 per occurrence/\$500,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of

enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):

i. if the CRC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and

e. the LDH-HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

B.8. - C.2. ...

D. Once the initial licensing application is approved by ~~DHH~~LDH, notification of such approval shall be forwarded to the applicant.

E. The applicant shall notify ~~DHH~~LDH of initial licensing survey readiness within the required 90 days of receipt of application approval. If an applicant fails to notify ~~DHH~~LDH of initial licensing survey readiness within 90 days, the application will be closed.

F. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:104

(January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5317. Changes in Licensee Information or Personnel

A. - A.4. ...

B. Any change to the CRC's name or "doing business as" name requires a ~~\$25~~the applicable nonrefundable fee for the issuance of an amended license with the new name.

C. - E.3. ...

F. Any request for a duplicate license shall be accompanied by a ~~\$25~~the applicable fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:106 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5319. Renewal of License

A. ...

B. To renew a license, the CRC shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The license renewal application packet includes:

1. - 5. ...

6. except for governmental entities or organizations, proof of financial viability, comprised of the following:

a. a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$100,000;

b. general ~~and professional~~ liability insurance of at least \$500,000 per occurrence; ~~and~~

c. worker's compensation insurance in the amount as required by state law; ~~-~~

d. professional liability insurance of at least \$100,000 per occurrence/\$500,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):

i. if the CRC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and

e. the LDH-HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent).

C. - G.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:106 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5327. Cessation of Business

A. Except as provided in §5407 [and §5409](#) of these licensing regulations, a license shall be immediately null and void if a provider ceases to operate.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:108 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter C. Organization and Administration

§5337. General Provisions

A. Purpose and Organizational Structure. The CRC shall develop and implement a statement maintained by the center that clearly defines the purpose of the CRC. The statement shall include:

1. - 3. ...

4. the ~~geographical~~geographic area served;

A.5. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:110 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5339. Governing Body

A. - B.4. ...

C. The responsibilities of a CRC's governing body include, but are not limited to:

1. - 7. ...

8. informing the department, or its designee, prior to initiating any substantial changes in the services provided by the center;~~and~~

9. ensuring statewide criminal background checks are conducted as required in this Chapter and state law~~;~~ and

10. ensuring verification of the Louisiana Adverse Action website and the nurse aide registry for direct care staff as required in this Chapter and state law.

D. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:111 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5341. Policies and Procedures

A. Each CRC shall develop, implement and comply with center-specific written policies and procedures governing all requirements of this chapter, including, but not limited to the following areas:

1. - 18. ...

19. infection control practices that meets current state and federal infection control guidelines;

20. - 25. ...

B. A center shall develop, implement and comply with written personnel policies in the following areas:

1. - 11. ...

12. obtaining criminal background checks, adverse action, and registry checks.

C. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:111

(January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter E. Personnel

§5357. General Requirements

A. - D.3. ...

E. The CRC shall review the Louisiana state nurse aide registry and the Louisiana direct service worker registry [included in the Louisiana Adverse Action website, or its successor,](#) to ensure that each unlicensed direct care staff member prior to hire or employment and at least annually thereafter, does not have a negative finding on either registry.

F. - F.1.b. ...

2. The center providing services to adults is prohibited from knowingly employing or contracting with, or retaining the employment of or contract with, a member of the direct care staff who:

a. - a.v. ...

b. has a finding placed on the Louisiana state nurse aide registry or the Louisiana direct service worker registry [on the Louisiana Adverse Action website, or its successor.](#)

G. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:113 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter G. Program Operations

§5375. Treatment Services

A. A CRC shall:

1. ...

2. operate ~~up to~~ no more than 24 licensed beds;

3. ~~provide services to either adults or minors but not both;~~ operate no more than 36 chairs/recliners for observation and crisis stabilization

4. ~~provide services that include, but are not limited to:~~ provide services to either adults or minors but not both; and

~~a. emergency screening;~~

~~b. assessment;~~

~~c. crisis intervention and stabilization;~~

~~d. 24 hour observation;~~

~~e. medication administration; and~~

~~f. referral to the most appropriate and least restrictive setting available consistent with the client's needs.~~ a. - f. Repealed.

5. provide services that include, but are not limited to:

- a. emergency screening;
- b. assessment;
- c. crisis intervention and stabilization;
- d. 24 hour observation;
- e. medication administration; and
- f. referral to the most appropriate and least restrictive setting available consistent with the client's needs.

B. Short term stay. A CRC shall admit clients for a short term stay with an estimated length ~~of stay~~ of 3-7 days. If a greater length of stay is needed, the CRC shall maintain documentation of clinical justification for the extended stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:118 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5383. Food and Diet

A. - A.9. ...

B. The CRC may provide meal service and preparation pursuant to a written agreement with an outside food management

company. If provided pursuant to a written agreement, the CRC shall:

1. - 2. ...

3. ensure that the outside food management company possesses a valid OPH retail food permit and meets all requirements for operating a retail food establishment that serves a highly susceptible population, in accordance with the special requirements for highly susceptible populations as promulgated in the current Louisiana Sanitary Code provisions governing food display and service for retail food establishments ~~(specifically LAC 51:XXIII.1911 as amended May 2007)~~; and

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:119 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Subchapter I. Physical Environment

§5397. Interior Space

A. - N.6. ...

O. ~~Smoking~~ Observation area(s)

1. The CRC shall ~~prohibit smoking in the interior of~~

~~the center.~~ have one or more spaces for the placement of chair/recliners in an observation area. This space may be of a permanent configuration or may be re-arranged based on the needs of the clients in the CRC. There shall be at least three feet between each chair and at least six feet at the foot of each chair/recliner. The head of the chair/recliner may be positioned at a wall.

P. Smoking

1. The CRC shall prohibit smoking in the interior of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:121 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Chapter 54. Crisis Receiving Centers

Subchapter A. Safety and Emergency Preparedness

§5403. Infection Control

A. ...

B. The CRC shall have an active Infection Control Program that requires:

1. reporting of infectious disease in accordance with current OPH and federal guidelines;

2. - 3. ...

4. a designated infection control coordinator who:

a. ...

b. develops and implements policies and

procedures governing the infection control program that is compliant with most recently published/current state and federal infection control guidelines in preparation for, during, and after a public health emergency or disaster;

c. takes universal precautions, including proper handwashing and face masks, as needed; and

B.4.d. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:123 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5405. Emergency Preparedness

A. The CRC shall have a written emergency preparedness plan to:

1. maintain continuity of the center's operations in preparation for, during and after an emergency or disaster; ~~and~~

2. manage the consequences of all disasters or emergencies that disrupt the center's ability to render care and treatment, or threaten the lives or safety of the clients-; and

3. comply with recently published/current state and federal infection control guidelines in preparation for, during, and after a public health emergency or disaster.

B. - D.8.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:124 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5407. Inactivation of License due to a Declared Disaster or Emergency

A. A CRC located in a parish which is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766, may seek to inactivate its license for a period not to exceed one year, provided that the center:

1. submits written notification to HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. ...

b. the CRC intends to resume operation as a CRC in the same service area; and

c. ~~includes an attestation~~ the CRC attests that the emergency or disaster is the sole ~~casual~~ causal factor in the interruption of the provision of services;

NOTE: Pursuant to these provisions, an extension of the 60-day deadline for initiation of request may be granted at the discretion of the department.

A.1.d. - B. ...

C. In order to obtain license reinstatement, a CRC with a department-issued notice of inactivation of license shall:

1. submit a written license reinstatement request to HSS 60 days prior to the anticipated date of reopening that includes:

a. the anticipated date of ~~opening~~ reopening, and a request to schedule a licensing survey;

b. - c. ...

2. The CRC shall resume operating in the same service area within one year of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:124 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

§5409. Inactivation of License due to a Non-Declared

Emergency or Disaster

A. A CRC in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the CRC shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:

a. the CRC has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;

b. the facility intends to resume operation as a CRC in the same service area;

c. the CRC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and

d. the inactivation due to a non-declared emergency or disaster does not exceed one year receipt of notice of approval of renovation/construction plans by OSFM and OPH as required;

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the CRC requires an extension of this timeframe due to circumstances beyond the CRC's control, upon written request, the department may consider an extended time period to complete construction or repairs. Such written request for extension shall show the CRC's active efforts to complete construction or repairs and the reasons for request for extension of the CRC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the CRC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and

3. the CRC continues to submit required documentation and information to the department, including but not limited to, cost reports.

B. Upon receiving a completed written request to temporarily inactivate the CRC license due to a non-declared emergency or disaster, the department shall issue a notice of inactivation of license to the CRC.

C. Upon the CRC's receipt of the department's approval of request to inactivate the license, the CRC shall have 90 days to

submit plans for the repairs, renovations, rebuilding, or replacement of the CRC to OSFM and OPH as required.

D. The CRC shall resume operating as a CRC in the same service area within one year of the approval of renovation/construction plans by OSFM and OPH as required.

E. Upon completion of repairs, renovations, rebuilding, or replacement of the CRC, a CRC which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

1. the CRC shall submit a written license reinstatement request to the licensing agency of the department;

2. the license reinstatement request shall inform the department of the anticipated date of re-opening and shall request scheduling of a licensing or physical environment survey; and

3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

F. Upon receiving a completed written request to reinstate a CRC license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the CRC has met the requirements for licensure including the requirements of this Subsection.

G. No change of ownership of the CRC shall occur until such CRC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as a CRC.

H. The provisions of this Section shall not apply to a CRC that has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the CRC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty

in relation to individual or community asset development as described in R.S. 49:973.

Small Business Analysis

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on March 1, 2021.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on February 9, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, the department will conduct a public hearing at 8:00 a.m. on February 25, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after February 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, Parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips

Secretary