

NOTICE OF INTENT

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

**Medicaid Eligibility
Twelve-Month Continuous Eligibility
(LAC 50:III.2525)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:III.2525 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. 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 eligibility for the Medical Assistance Program to update the list of recipients under age 19 for whom twelve months of continuous eligibility is not available in order to align the exceptions in the administrative Rule with those currently used for Medicaid eligibility determinations.

Title 50

**PUBLIC HEALTH-GENERAL
Part III. Eligibility
Subpart 3. Eligibility Groups and Factors**

Chapter 23. Eligibility Factors

§2525. Twelve-Month Continuous Eligibility

A. - B. ...

C. Twelve months of continuous eligibility is not available to the following children ~~who are~~:

1. ~~eligible for an SSI-related category of assistance~~ children excepted from continuous eligibility under 42 CFR §435.926(d);

2. ~~eligible for~~ children enrolled in the Medically Needy Program; ~~or~~

3. ~~certified under fraudulent or misleading circumstances~~ children enrolled in the LaCHIP Affordable Plan who obtain creditable coverage;

4. children enrolled in the Act 421 Medicaid Children's Option who discontinue pre-existing health insurance coverage;

5. children whose parent/guardian fails to pay a monthly premium, if applicable; or

6. children whose parent/guardian fails to provide verification of citizenship or immigration status after a reasonable opportunity has been allowed.

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 of the Secretary, Bureau of Health Services Financing, LR 34:253 (February 2008), amended by the

Department of Health, Bureau of Health Services Financing, LR
47:

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.

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, 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 Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030 Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to this proposed Rule. The deadline for submitting written comments is at close of business, 4:30 p.m., on April 29, 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 April 9, 2021. If the criteria set

forth in R.S. 49:953(A) (2) (a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on April 29, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after April 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