

**DECLARATION OF EMERGENCY**

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

**Pediatric Day Health Care Facilities  
Licensing Standards  
(LAC 48:I.5239)**

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.5239 in the Medical Assistance Program as authorized by R.S. 36:254 and 40:2193-40:2193.4. 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 and Hospitals, Bureau of Health Services Financing amended the licensing standards for pediatric day health care (PDHC) facilities in order to: 1) revise the provisions governing provider participation, development and educational services and transportation requirements; 2) adopt provisions for the inclusion of PDHC facilities in the Facility Need Review (FNR) Program; and 3) revise the additional grandfather provisions for the FNR process for the Pediatric Day Health Care Program (*Louisiana Register*, Volume 41, Number 1).

The Department of Health, Bureau of Health Services Financing subsequently promulgated an Emergency Rule which amended the licensing standards governing PDHC facilities in

order to clarify the provider participation requirements regarding plans of care (*Louisiana Register*, Volume 42, Number 9). This Emergency Rule is being promulgated to continue the provisions of the September 1, 2016 Emergency Rule. This action is being taken to avoid a budget deficit in the medical assistance program.

Effective December 31, 2016, the Department of Health, Bureau of Health Services Financing amends the licensing standards governing PDHC facilities.

## **Title 48**

### **PUBLIC HEALTH-GENERAL** **Part I. General Administration** **Subpart 3. Licensing and Certification**

#### **Chapter 52. Pediatric Day Health Care Facilities**

##### **Subchapter D. Participation Requirements**

###### **§5239. Plan of Care**

A. - D.4. ...

E. The medical director shall review the plans of care in consultation with PDHC staff and the prescribing physician every 90 days or more frequently as the child's condition dictates. Prescribed services and therapies included in the plan of care shall be adjusted in consultation with the prescribing physician to accommodate the child's condition.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.

40:2193-40:2193.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:2769 (December 2009), amended by the Department of Health, Bureau of Health Services Financing, LR 42:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to [MedicaidPolicy@la.gov](mailto:MedicaidPolicy@la.gov). Ms. Castello 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.

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Secretary