

DECLARATION OF EMERGENCY

Department of Health and Hospitals Bureau of Health Services Financing

Facility Need Review (LAC 48:I.12501 and 12525)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.12501 and §12525 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2116. 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 provisions governing the facility need review (FNR) process to adopt provisions governing the inclusion of outpatient abortion facilities in the FNR Program (*Louisiana Register*, Volume 38, Number 8). The department promulgated an Emergency Rule which amended the provisions governing the FNR Program in order to revise the definition for *home and community-based service providers* to include monitored in-home caregiving (MIHC) services, and to revise the provisions governing the service area for adult day health care providers (*Louisiana Register*, Volume 40, Number 11). This Emergency Rule

is being promulgated to continue the provisions of the November 20, 2014 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation in the FNR Program.

Effective July 20, 2015, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Facility Need Review Program.

Title 48

PUBLIC HEALTH—GENERAL Part I. General Administration Subpart 5. Health Planning

Chapter 125. Facility Need Review

Subchapter A. General Provisions

§12501. Definitions

A. ...

* * *

Home and Community Based Service (HCBS) Providers—
those agencies, institutions, societies, corporations,
facilities, person or persons, or any other group intending to
provide or providing respite care services, personal care
attendant (PCA) services, supervised independent living (SIL)
services, monitored in-home caregiving (MIHC) services, or any

combination of services thereof, including respite providers, SIL providers, MIHC providers, and PCA providers.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:806 (August 1995), amended LR 25:1250 (July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004), LR 32:845 (May 2006), LR 34:2611 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:2437 (November 2009), amended LR 36:323 (February 2010), LR 38:1961 (August 2012), LR 41:135 (January 2015), LR 41:

Subchapter B. Determination of Bed, Unit, Facility, or Agency Need

§12525. Adult Day Health Care Providers

A. ...

B. For purposes of facility need review, the service area for a proposed ADHC provider shall be within a 30 mile radius of the proposed physical address where the provider will be licensed.

C. – E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.
40:2116.

HISTORICAL NOTE: Promulgated by the Department of Health
and Hospitals, Bureau of Health Services Financing, LR 36:323
(February 2010), amended LR 41:

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 Cecile
Castello, Health Standards Section, P.O. Box 3767, Baton Rouge,
LA 70821 or by email to 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.

Kathy H. Kliebert

Secretary