

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 46:

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 may have a negative impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 since nursing facility residents that consent to virtual visitation or their families are responsible for the costs associated with the installation and use of monitoring devices in the residents' rooms.

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 January 29, 2020.

Public Hearing

The department will conduct a public hearing at 9:30 a.m. on January 29, 2020 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. 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.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Nursing Facilities Licensing Standards—Virtual Visitation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 19-20. Any potential additional workload on the regulatory agency is indeterminable, and anticipated to be absorbed with existing staff. It is anticipated that \$540 will be expended in FY 19-20 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on revenue collections since the licensing fees, in the same amounts, will continue to be collected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule continues the provisions of the November 20, 2018 and December 20, 2019 Emergency Rules which amended the licensing standards for nursing facilities in order to adopt provisions governing virtual visitation to provide for consent, by a nursing facility resident or a legal representative, relative to the authorization for installation and use of a monitoring device in the room of the resident, in compliance with Act 596 of the 2018 Regular Session of the Louisiana Legislature. This proposed Rule may result in economic costs to residents of nursing facilities that consent to virtual visitation since the costs associated with the installation and operation of the monitoring devices are the responsibility of the residents. It is anticipated that the implementation of this proposed rule will have no economic costs or benefits to nursing facilities in FY 19-20, FY 20-21 and FY 21-22 since nursing facilities will not bear the financial responsibility for the installation and operation of monitoring devices in residents' room.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello
Assistant Deputy Secretary LDH
1912#069

John D. Carpenter
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

**Pharmacy Benefit Management Program
Vaccine Administration and Reimbursement**
(LAC 50:XXIX.123, 991 and 993)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.123, 991, and 993 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 Service Financing proposes to amend the provisions governing reimbursement in the Pharmacy Benefit Management Program in order to add vaccines for adult recipients as a pharmacy benefit to provide an alternative location for these recipients to receive necessary vaccinations and immunizations.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIX. Pharmacy

Chapter 1. General Provisions

§123. Medication Administration

A. Vaccine Administration. The department shall provide coverage for administration of vaccines by a qualified pharmacist when:

1. - 2. ...

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, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 40:82 (January 2014), amended LR 46:

Chapter 9. Methods of Payment

Subchapter H. Vaccines

§991. Vaccine Administration Fees

A. Reimbursement to pharmacies for immunization administration (intramuscular, subcutaneous or intranasal) performed by qualified pharmacists, is a maximum of \$15.22. This fee includes counseling, when performed.

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, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 40:82 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1555 (August 2017), amended LR 46:

§993. Vaccine Reimbursement

A. Vaccines for recipients aged 19 and over shall be reimbursed at wholesale acquisition cost (WAC) or billed charges, whichever is the lesser amount.

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, Bureau of Health Services Financing, LR 40:82 (January 2014), amended LR 46:

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 a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it provides adult recipients greater access to necessary immunizations at alternative locations.

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 a 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 may have a positive impact on small businesses, as described in R.S. 49:965.2 et seq. as it permits Medicaid reimbursement for adult vaccinations by pharmacy providers.

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, but may reduce the total direct and indirect cost to the provider to provide the same level of service. This Rule may enhance the provider's ability to provide the same level of service as described in HCR 170 since it permits Medicaid reimbursement for adult vaccinations by pharmacy providers.

Public Comments

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Steele is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on January 29, 2020.

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 January 9, 2020. 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 January 29, 2020 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 January 9, 2020. 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.

Rebekah E. Gee MD, MPH
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pharmacy Benefit Management
Program—Vaccine Administration and Reimbursement**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will result in estimated state programmatic costs of approximately \$4,814 for FY 19-20, \$17,423 for FY 20-21 and \$26,270 for FY 21-22. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 19-20 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 66.86 percent in FY 19-20, and 67.51 percent for FY 20-21 and FY 21-22 for the projected non-expansion population, and a blended FMAP rate of 93.25 percent in FY 19-20 and 90.75 percent in FY 20-21 and 90.00 percent in FY 21-22 for the projected expansion population.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed Rule will increase federal revenue collections by approximately \$26,415 for FY 19-20, \$89,167 for FY 20-21 and \$129,478 for FY 21-22. It is anticipated that \$270 will be collected in FY 19-20 for the federal share of the expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 66.86 percent in FY 19-20, and 67.51 percent for FY 20-21 and FY 21-22 for the projected non-expansion population, and a blended FMAP rate of 93.25 percent in FY 19-20 and 90.75 percent in FY 20-21 and 90.00 percent in FY 21-22 for the projected expansion population.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

This proposed rule amends the provisions governing reimbursement in the Pharmacy Benefit Management Program in order to add vaccines for adult recipients in the Medical Assistance Program as a pharmacy benefit to provide an alternative location for these recipients to receive necessary immunizations. Adult recipients will benefit from implementation of this proposed Rule as it increases access to necessary vaccines that physicians may not carry in office settings. This proposed Rule will also be beneficial to pharmacy providers, since currently only influenza vaccines are covered as pharmacy benefits and this Rule allows Medicaid reimbursement for the provision of other vaccinations and immunizations. It is anticipated that implementation of this proposed rule will result in programmatic costs to the Medicaid program of \$30,689 in FY 19-20, \$106,590 in FY 20-21 and \$155,748 in FY 21-22.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This rule has no known effect on competition and employment.

Jan Steele
Medicaid Director
1912#070

John D. Carpenter
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

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

Therapeutic Group Homes
Licensing Standards
Criminal Background Checks
(LAC 48:I.6210)

The Department of Health, Bureau of Health Services Financing adopts LAC 48:I.6210 as authorized by R.S. 36:254 and Act 243 of the 2019 Regular Session of the Louisiana Legislature.

Act 243 of the 2019 Regular Session of the Louisiana Legislature requires that licensing standards for therapeutic group homes (TGH) comply with federal guidelines for Bureau of Criminal Identification and Information criminal background checks and Department of Children and Family Services (DCFS) abuse/neglect registry checks to provide criminal history record information for owners, operators, managers or administrators, employees, contractors, or paid or unpaid volunteers or interns of a TGH that have the potential of providing daily care or supervision to children or youth in the custody, or under the supervision, of any Louisiana state government agency.

In compliance with Act 243, the Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which adopted provisions governing the licensing of TGHs in order to comply with federal criminal background check and DCFS abuse/neglect registry check requirements (*Louisiana Register*, Volume 45, Number 10). The department subsequently promulgated an Emergency Rule which amended the September 20, 2019 Emergency Rule in order to further clarify the licensing provisions governing TGH background checks (*Louisiana Register*, Volume 45, Number 12). This proposed Rule is being promulgated in order to continue the provisions of the September 20, 2019 and the December 20, 2019 Emergency Rules.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing

Chapter 62. Therapeutic Group Homes

Subchapter B. Licensing

**§6210. Criminal Background Checks; Prohibitions to
Ownership of and Employment at a Therapeutic
Group Home; Process; Fees**

A. The provisions of this Section shall apply to the following persons:

1. any person who owns, operates, or manages a licensed therapeutic group home (TGH);
2. any person who has applied for a license to operate a therapeutic group home;
3. any person who is employed by, is contracted by, volunteers at, or interns with a therapeutic group home;