

DECLARATION OF EMERGENCY**Department of Health
Bureau of Health Services Financing****Medicaid Eligibility—Resource Disregards
(LAC 50:III.10705)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:III.10705 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Section 1902(r)(2) of the Social Security Act (SSA) grants states the authority to adopt resource disregards for the purposes of determining eligibility in the Medical Assistance Program (Medicaid). The Department of Health, Bureau of Health Services Financing has determined that it is necessary to disregard unspent funds received as a class member pursuant to a class settlement in the case of *Nancy Anderson, et al. v. Bob Dean Jr., et al.*, 24th Judicial District Court, Parish of Jefferson, No. 820-839 from resources when determining Medicaid eligibility. Under the authority granted by section 1902(r)(2) of the SSA, the department hereby amends the provisions governing financial eligibility in the Medical Assistance Program in order to disregard unspent funds received by settlement class members in the case of *Nancy Anderson, et al. v. Bob Dean Jr. et al.*, 24th Judicial District Court, Parish of Jefferson, No. 820-839 from resources.

This action is being taken to promote the health and well-being of settlement class members by ensuring access to Medicaid services. It is estimated that implementation of this Emergency Rule will have an impact on the Medicaid budget of approximately \$5,081,087 for state fiscal year 2022-2023.

Effective January 1, 2023, the Department of Health, Bureau of Health Services Financing amends the provisions governing financial eligibility in the Medical Assistance Program in order to disregard unspent funds received by settlement class members in the case of *Nancy Anderson, et al. v. Bob Dean Jr., et al.*, 24th Judicial District Court, Parish of Jefferson, No. 820-839 from resources.

Title 50**PUBLIC HEALTH—MEDICAL ASSISTANCE****Part III. Eligibility****Subpart 5. Financial Eligibility****Chapter 107. Resources****§10705. Resource Disregards**

A. - D. ...

E. Disregard from resources unspent funds received as a class member pursuant to a class settlement in the case of *Nancy Anderson, et al. v. Bob Dean Jr., et al.*, 24th Judicial District Court, Parish of Jefferson. No. 820-839.

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 and the Office of Aging and Adult Services, LR 35:1899 (September 2009),

amended LR 36:2867 (December 2010), LR 41:949 (May 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 45:1772 (December 2019), LR 46:1393 (October 2020), LR 49:

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 Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc 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.

Dr. Courtney N. Phillips
Secretary

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DECLARATION OF EMERGENCY**Department of Health
Bureau of Health Services Financing
and
Office of Aging and Adult Services**

Personal Care Services—Long Term
Direct Service Worker Wages and Bonus Payments
(LAC 50:XV.12917 and 12921)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services amend LAC 50:XXI.12917 and adopt §12921 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.1, and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

House Concurrent Resolution 127 (HCR 127) of the 2021 Regular Session of the Louisiana Legislature requested the department make adjustments in the state Medicaid budget for the purpose of increasing funding more equitably to providers throughout the disabilities services system. The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) approved the use of bonus payments for agencies providing long term-personal care services (LT-PCS) under section 9817 of the American Rescue Plan Act of 2021 (ARPA).

In compliance with HCR 127, the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services promulgated an Emergency Rule which adopted provisions governing LT-PCS in order to establish a direct wage floor and workforce bonus payments for direct service workers along with audit procedures and sanctions (*Louisiana Register*, Volume 48, Number 8). Upon further discussion with various stakeholders, the department has determined that it is necessary to amend the provisions governing the bonus payments approved by CMS under section 9817 of ARPA.