

Emergency Rules

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Office of Broadband Development and Connectivity**

Granting Unserved Municipalities Broadband
Opportunities 2.0 (GUMBO 2.0)
(LAC 4:XXI.Chapter 18)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962 et seq., and pursuant to the authority set forth in R.S. 51:2370.21-2370.35, the executive director of the Office of Broadband Connectivity (ConnectLA) declares an emergency to exist and adopts by emergency process the Emergency Rule relative to the administration of the Granting Unserved Municipalities Broadband Opportunities 2.0 (GUMBO 2.0) grant program.

The Infrastructure Investment and Jobs Act (IIJA) provides funding for robust investment in American infrastructure projects. IIJA established the Broadband Equity, Access, and Deployment (BEAD) Program, which provides \$42.45 billion of funding to achieve high-speed broadband access throughout the United States. See Infrastructure Investment and Jobs Act of 2021, Division F, Title I, Section 60101, Public Law 117-58, 135 Stat. 429 (November 15, 2021) (codified at 47 U.S.C. § 1701 et seq.).

On June 6, 2025, the National Telecommunications and Information Administration (NTIA), as the agency responsible for administering the BEAD Program, published a policy notice (Policy Notice) for Eligible Entities (States, Territories, and the District of Columbia). The Policy Notice modifies and replaces certain requirements outlined in the BEAD Notice of Funding Opportunity (NOFO). Each Eligible Entity must comply with this Policy Notice to gain approval of its Final Proposal from the assistant secretary of Commerce for Communications and Information.

The state of Louisiana must now complete all new actions and redo the entirety of the bidding process within a 90-day timeframe from the release of the Policy Notice, with results due by September 4, 2025.

On June 20, 2025, Governor Jeff Landry issued an Executive Order (JML 25-071) declaring a state emergency exist as a result of the emergency conditions that threaten the safety and property of the citizens in Louisiana. The Executive Order suspends strict compliance with the requirements set forth in R.S. 51:2370.21, et seq., and LAC 4:XXI.Chapter 11-17 that do not permit ConnectLA to complete the entirety of this process by the September 4, 2025 deadline.

This Emergency Rule allows ConnectLA to develop a policy related to the GUMBO 2.0 Benefit of the Bargain grant round in accordance with the National Telecommunications and Information Administration's (NTIA) BEAD Restructuring Policy Notice published on

June 6, 2025. It also requires applicants to comply with the requirements outlined in ConnectLA's policy.

This Emergency Rule is adopted and shall have the force and effect of law on June 27, 2025, and will remain in effect for the maximum period allowed by the Administrative Procedure Act, unless renewed by the executive director of ConnectLA or until permanent rules are promulgated in accordance with law.

Title 4

ADMINISTRATION

Part XXI. Granting Unserved Municipalities Broadband Opportunities

Subpart B. Granting Unserved Municipalities Broadband Opportunities (GUMBO)

Chapter 18. Benefit of the Bargain Round

§1801. Policy

A. The Office may develop a policy related to the GUMBO 2.0 Benefit of the Bargain round in accordance with the National Telecommunications and Information Administration's (NTIA) BEAD Restructuring Policy Notice published on June 6, 2025.

B. Applicants shall comply with the requirements outlined in the policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2370.21-2370.33.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Broadband Development and Connectivity, LR 48:1504 (June 2022), amended LR 51:

To view the National Telecommunications and Information Administration's (NTIA) BEAD Restructuring Policy Notice, please visit <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

To view the Governor Jeff Landry's Executive Order, please visit: <https://gov.louisiana.gov/index.cfm/newsroom/category/11>.

For more detail on ConnectLA's Benefit of the Bargain Round, please visit: <https://connect.la.gov/>.

Veneeth Iyengar
Executive Director

2507#004

DECLARATION OF EMERGENCY

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

Hospital Services
Coverage of Gene Therapies for Sickle Cell Disease
(LAC 50:V.120)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:V.120 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.

Effective July 1, 2025 the Department of Health, Bureau of Health Services Financing adopts cell and gene therapy model that provides additional supplemental and federal rebates for gene therapies for sickle cell disease. To receive these rebates, the department amends the provisions governing inpatient hospital services, to allow reimbursement for gene therapies for sickle cell disease outside the per diem rate and paid based on the actual acquisition cost. CMS has set a deadline of July 1, 2025 to have documentation in place to receive federal and supplemental rebates for these therapies. This action is therefore being taken to secure new federal funding in the form of federal and supplemental rebates.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals Services

Chapter 1. General Provisions

§120. Coverage of Gene Therapies for Sickle Cell Disease

A. Effective for dates of service on or after July 1, 2025, gene therapies for sickle cell disease administered during an inpatient stay shall be reimbursed outside of the per diem rate for the inpatient stay. Claims for gene therapies for sickle cell disease shall be reimbursed at actual acquisition cost.

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, Bureau of Health Services Financing, LR 51:

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.

Kimberly Sullivan, JD, Bureau of Health Services Financing, 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.

Bruce D. Greenstein
Secretary

2507#008

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Nursing Facilities
Reimbursement Methodology
(LAC 50:II.Chapter 200)

The Department of Health, Bureau of Health Services Financing amends LAC 50:II.Chapter 200 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.

Effective June 30, 2025, the Department of Health, Bureau of Health Services Financing amends the provisions governing reimbursement for Nursing Facilities to revise the language and to replace resource utilization group resident classification system with the patient driven payment model (PDPM). The PDPM shifts the focus from therapy-based payments to a more patient-centered approach that takes into account the individual needs and conditions of residents. This action is being taken to comply with federal requirements.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part II. Nursing Facilities

Subpart 5. Reimbursement

Editor's Note: This Subpart has been moved from LAC 50:VII.Chapter 13 and renumbered.

Chapter 200. Reimbursement Methodology

§20001. General Provisions

A. Definitions

Active Assessment—a resident MDS assessment is considered active when it has been accepted by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). The assessment will remain active until:

- a. a subsequent minimum data set (MDS) assessment for the same resident has been accepted by CMS;
- b. the maximum number of days (121) for the assessment has been reached;
- c. the record has been replaced by a modified assessment;
- d. the record has been inactivated; or
- e. the resident has been discharged.

* * *

Assessment Reference Date—the last day of the MDS observation period, denoted at MDS item A2300. This date is used to determine the due date and delinquency of assessments.

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Case-Mix Documentation Review (CMDR)—a review of original legal medical record documentation and other documentation as designated by the department in the MDS supportive documentation requirements, supplied by a nursing facility provider to support certain reported values that resulted in a specific PDPM classification on a randomly selected MDS assessment sample. The review of the documentation provided by the nursing facility will result in the PDPM classification being supported or unsupported.

Case-Mix Index (CMI)—a numerical value that describes the resident's resource needs within the groups under the patient driven payment model (PDPM) classification system, prescribed by the department based on the resident's MDS assessments. CMIs will be determined for each nursing facility on a quarterly basis using all residents.

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