



State of Louisiana

Louisiana Department of Health

HEALTHCARE FACILITY NOTICE/ORDER HOSPITAL TO NURSING FACILITY DISCHARGES

FOR IMMEDIATE RELEASE

TO: All Licensed Hospitals
All Licensed Nursing Facilities

FROM: Dr. Jimmy Guidry, State Health Officer *Jimmy Guidry, M.D.*

RE: Hospital Discharges to Nursing Facilities

DATE: April 24, 2020

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This Healthcare Facility Notice will provide updated information on patient discharge from hospitals to nursing facilities in Louisiana. This directive is applicable to all licensed hospitals and nursing facilities (nursing homes) in Louisiana. This Notice will supersede the March 26, 2020 Notice, as well as provide new effective dates for this Notice.

The State of Louisiana, Department of Health ("LDH" or "Department"), is committed to taking critical steps to ensure public health and safety; to prevent the spread of COVID-19, the State of Louisiana, Department of Health, is **DIRECTING** that all licensed hospitals and nursing facilities adhere to the following provisions, restrictions, and limitations, **EFFECTIVE IMMEDIATELY; THIS NOTICE SHALL BE EFFECTIVE UNTIL May 31, 2020, unless terminated earlier by the State Health Officer.**

HOSPITAL DISCHARGES TO NURSING FACILITIES

To aggressively address COVID-19, and recognizing the shortage of PPE in nursing facilities in Louisiana, the Department finds it necessary to take the following measures to ensure public health and safety.

A. Discharges:

- (1) Subject to the exception in Paragraph B of this Notice, the Department hereby temporarily prohibits hospital to nursing facility discharges for the following types of patients:
 - (a) A patient with active COVID-19; and
 - (b) A patient who has a pending COVID-19 test.

- (2) For such an individual who was a nursing facility resident immediately prior to the hospital admission, the discharging hospital and that nursing facility shall work

cooperatively on discharge planning and shall work to discharge the individual to an appropriate alternate setting as quickly as possible. Family members, the legal guardian, and/or the responsible party of the individual shall be consulted during discharge planning.

(3) For such an individual who was not a nursing facility resident immediately prior to the hospital admission but who may meet nursing facility level of care criteria, the discharging hospital and the Louisiana Nursing Home Association shall work cooperatively on discharge planning and shall work to discharge the individual to an appropriate alternate setting as quickly as possible. Family members, the legal guardian, and/or the responsible party of the individual shall be consulted during discharge planning.

(4) If the hospital and the Louisiana Nursing Home Association fail to agree on an appropriate discharge location, or fail to agree that the resident should remain in the hospital setting, they may refer the matter to the Department's Health Standards Section for consultation on the most appropriate placement.

B. Exception: If the Nursing Facility complies with the requirements of the CMS Guidelines for accepting an individual/resident who was diagnosed with COVID-19, as detailed in CMS QSO-20-14-NH, dated March 13, 2020, then a nursing facility with sufficient PPE may accept a resident who was diagnosed with COVID-19. It shall be the Nursing Facility's responsibility to document compliance with the CMS requirements.

C. This Notice does not apply to individuals/residents with any other condition or diagnosis, and the Department directs that each Nursing Facility comply with all state and federal regulations regarding admission, transfer and discharge procedures for such patients/residents.

(1) Nursing facilities should admit any individual that they would normally admit to their facility, including individuals from hospitals where a case of COVID-19 was/is present.

(2) Also, if possible, nursing facilities should dedicate a unit or wing exclusively for any residents coming from or returning from the hospital. This can serve as a step-down unit where they remain for 14 days with no symptoms, instead of integrating as usual on short-term rehab floor or returning to long-stay original room.

D. Please note that under the current Louisiana Medicaid Managed Care Organization (MCO) contracts, the Medicaid MCO shall not deny continuation of higher level services (e.g., inpatient hospital) for failure to meet medical necessity unless the MCO can provide the service through an in-network or out-of-network provider for a lower level of care.

End of Memo