

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Facility Need Review
Exception Criteria for Downsizing Enrolled Beds
(LAC 48:I.12507)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 48:I.12507 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(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 process to include licensed adult day health care providers (*Louisiana Register*, Volume 36, Number 2). The department now proposes to amend the provisions governing the facility need review process for intermediate care facilities for persons with developmental disabilities (ICF/DD) to clarify the provisions governing the exception criteria for the downsizing of the enrolled bed capacity of large residential facilities.

This action is being taken to promote the health and welfare of ICF/DD recipients and to bring these provisions in line with current practices. It is estimated that implementation of this

Emergency Rule will have no programmatic costs for state fiscal year 2009-2010.

Effective May 8, 2010, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the facility need review process for intermediate care facilities for persons with developmental disabilities.

Title 48

**PUBLIC HEALTH-GENERAL
Part 1. General Administration
Subpart 5. Health Planning**

Chapter 125. Facility Need Review

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

§12507. Intermediate Care Facilities for Persons with Developmental Disabilities

~~Deleted: the Developmentally Disabled~~

A. - N.2. ...

3. When the department intends to downsize the enrolled bed capacity of a state-owned facility with 16 or more beds in order to develop one or more group or community homes, and the approved beds will be owned by the state, a cooperative endeavor agreement (CEA) will be issued.

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a. The CEA will be issued and beds shall be made available in accordance with the methods described in this Section;

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N.4. - O.1. ...

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), amended LR 28:2190 (October 2002), LR 30:1023 (May 2004), amended LR 32:845 (May 2006), amended LR 34:2613 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:

Interested persons may submit written comments to Don Gregory, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He 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.

Alan Levine
Secretary