

**DECLARATION OF EMERGENCY**

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

**Intermediate Care Facilities for Persons with  
Intellectual Disabilities—Public Facilities  
Transitional Rate Extension  
(LAC 50:VII.32969)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:VII.32969 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 reimbursement methodology for public intermediate care facilities for persons with developmental disabilities (ICFs/DD), hereafter referred to as intermediate care facilities for persons with intellectual disabilities (ICFs/ID), to establish a transitional Medicaid reimbursement rate for community homes that are being privatized (*Louisiana Register*, Volume 40, Number 12).

The department now proposes to amend the provisions governing reimbursement for public facilities in order to extend

the period of transitional rates for large facilities that provide continuous nursing coverage to medically fragile populations for an additional year. This action is being taken to protect the public health and welfare of Medicaid recipients transitioning from public ICFs/ID by ensuring continued provider participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will have no programmatic costs for state fiscal year 2017-2018.

Effective October 1, 2017, the Department of Health, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for public intermediate care facilities for persons with intellectual disabilities.

## **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

#### **Part VII. Long Term Care**

#### **Subpart 3. Intermediate Care Facilities for Persons with Developmental Disabilities**

#### **Chapter 329. Reimbursement Methodology**

#### **Subchapter C. Public Facilities**

#### **§32969. Transitional Rates for Public Facilities**

A. - B. ...

1. The department may extend the period of transition for an additional year, if deemed necessary, for an active CEA facility that is:

- a. a large facility of 100 beds or more;
- b. serves a medically fragile population; and

c. provides continuous (24 hour) nursing coverage.

C. - F.4 ...

G. Reserved.

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 39:326 (February 2013), amended LR 40:2588 (December 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030 or by email to MedicaidPolicy@la.gov. Ms. Steele 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.

Rebekah E. Gee MD, MPH

Secretary