

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing  
and  
Office of Aging and Adult Services**

**Home and Community-Based Services Waivers  
Support Coordination Standards for Participation  
(LAC 50:XXI.501)**

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXI.501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services (OAAS) propose to amend the provisions governing the standards for participation for providers of support coordination services under home and community-based services waivers administered by OAAS in order to remove outdated language and to allow OAAS to perform some of the mandatory duties of the support coordination agencies when necessary to ensure participant health and welfare and continuity of services.

**Title 50**

**PUBLIC HEALTH-MEDICAL ASSISTANCE  
Part XXI. Home and Community-Based Services**

## Subpart 1. General Provisions

### Chapter 5. Support Coordination Standards for Participation for Office of Aging and Adult Services Waiver Programs

#### Subchapter A. General Provisions

##### §501. Introduction

A. The Department of Health ~~and Hospitals (DHH)~~ (LDH) establishes these minimum standards for participation which provides the core requirements for support coordination services provided under home- and community-based services waiver programs administered by the Office of Aging and Adult Services (OAAS). OAAS must determine the adequacy of quality and protection of waiver participants in accordance with the provisions of these standards.

B. - C. ...

D. ~~Upon promulgation of the final Rule governing these standards for participation, existing support coordination providers~~ If, in the judgement of OAAS ~~administered waiver programs shall be required to meet,~~ application of the requirements ~~of this Chapter as soon as possible and no later than six months from the promulgation of this Rule~~ stated in these standards would be impractical in a specified case; such requirements may be modified by the OAAS assistant secretary to allow alternative arrangements that will secure as nearly equivalent provision of services as is practical. In no case

will the modification afford less quality or protection, in the judgement of OAAS, than that which would be provided with compliance of the provisions contained in these standards.

1. Requirement modifications may be reviewed by the OAAS assistant secretary and either continued or canceled.

E. ~~If, in the judgment of OAAS, application of the~~ a  
support coordination agency fails to comply with their  
requirements ~~stated in these standards would be impractical in a~~  
~~specified case; such requirements may be modified by the~~ as a  
certified support coordination agency and/or requests assistance  
from ~~OAAS assistant secretary to allow alternative arrangements~~  
~~that will secure as nearly equivalent provision of services as~~  
~~is practical. In no case will the modification afford less~~  
~~quality or protection, in the judgment of,~~ OAAS, ~~than that which~~  
~~would be provided with compliance of the provisions contained in~~  
~~these standards~~ may temporarily perform the mandatory duties of  
the support coordination agency to ensure the continuity of the  
participants' services and the participants' health and welfare.  
The support coordination agency shall not be reimbursed for  
support coordination duties performed by OAAS.

~~1. Requirement modifications may be reviewed by the~~  
~~OAAS assistant secretary and either continued or~~  
~~canceled.~~ Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S.

36:254.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3086 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 47:

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.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

### **Small Business Analysis**

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may impact small businesses, as described in R.S. 49:965.2 et seq., if OAAS is required to perform the mandatory duties of the support coordination agency instead of the provider.

### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 Of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may result in decreased payments to the provider and may impact the provider's ability to provide the same level of service as described in HCR 170, if OAAS is required to perform the mandatory duties of the support coordination agency instead of the provider.

### **Public Comments**

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 proposed Rule. The

deadline for submitting written comments is at 4:30 p.m. on May 30, 2021.

### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2021. If the criteria set forth in R.S.49:953(A) (2) (a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 27, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225)342-1342 after May 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips

Secretary