

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Home Health Program Durable Medical Equipment Pharmacy Provider Accreditation (LAC 50:XIII.8501)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XIII.8501 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 proposes to amend the provisions governing provider participation in the Home Health Program in order to remove the accreditation requirements for pharmacies that provide medical equipment, supplies and appliances, in compliance with federal regulations mandated by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Title 50 PUBLIC HEALTH—MEDICAL ASSISTANCE Part XIII. Home Health Program Subpart 3. Medical Equipment, Supplies and Appliances Chapter 85. Provider Participation §8501. Accreditation Requirements

A. - B. ...

C. Pharmacies. These accreditation requirements ~~shall~~do not apply to pharmacies that ~~have been deemed exempt by the Centers for Medicare and Medicaid Services (CMS)~~ provide medical equipment, supplies and appliances. ~~Verification of the CMS exemption must be received by the department on or before December 1, 2011. Pharmacies that do not have a CMS exemption must submit verification of accreditation to the department on or before December 1, 2011.~~

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 36:512 (March 2010), amended LR 37:2159 (July 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 44:

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.

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 a positive impact on family functioning,

stability or autonomy as described in R.S. 49:972 as it may increase provider participation for pharmacies that provide medical equipment, supplies and appliances which could result in increased recipient access to pharmacies that provide these services.

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 a positive impact on child, individual, or family poverty as described in R.S. 49:973 as it may increase provider participation locally which will reduce transportation cost and the financial burden on families in need of these pharmacy services.

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 and will not impact the direct or indirect cost to the provider to provide the same level of service. However, this proposed Rule removes the accreditation requirement which may enhance the provider's ability to provide the same level of service as described in HCR 170.

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 proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, September 27, 2018 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Rebekah E. Gee MD, MPH

Secretary