

NOTICE OF INTENT

Department of Health  
Bureau of Health Services Financing

Family Planning Waiver  
Program Termination  
(LAC 50:XXII.Chapters 21-27)

The Department of Health, Bureau of Health Services Financing proposes to repeal LAC 50:XXII.Chapters 21-27 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 and Hospitals, Office of the Secretary, Bureau of Health Services Financing implemented a family planning research and demonstration project under the authority of a \$1115 waiver (*Louisiana Register*, Volume 32, Number 8). The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to establish a new optional eligibility group under the Medicaid State Plan to provide coverage for family planning services and supplies (*Louisiana Register*, Volume 40, Number 6). Eligible participants in the Family Planning Waiver were transitioned into the new family planning eligibility group under the Medicaid State Plan. The \$1115 waiver authority for the Family Planning Waiver expired on December 31, 2014. Hence, the

Department of Health, Bureau of Health Services Financing now proposes to repeal the provisions governing the Family Planning Waiver due to the expiration of the §1115 waiver authority.

**Title 50**

**PUBLIC HEALTH-MEDICAL ASSISTANCE  
Part XXII. 1115 Demonstration Waivers  
Subpart 3. Family Planning Waiver**

**Chapter 21. General Provisions**

**§2101. Purpose**

Repealed.

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of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1461 (August 2006), repealed by the Department of Health, Bureau of Health Services Financing, LR 43:

**§2103. Enrollment**

Repealed.

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of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 32:1461 (August 2006), repealed by the

Department of Health, Bureau of Health Services Financing, LR  
43:

**Chapter 23. Eligibility**

**§2301. Recipient Qualifications**

Repealed.

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, Office of the Secretary, Bureau of Health  
Services Financing, LR 32:1461 (August 2006), amended by the  
Department of Health and Hospitals, Bureau of Health Services  
Financing, LR 37:3027 (October 2011), repealed by the Department  
of Health, Bureau of Health Services Financing, LR 43:

**Chapter 25. Services**

**§2501. Covered Services**

Repealed.

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, Office of the Secretary, Bureau of Health  
Services Financing, LR 32:1461 (August 2006), repealed by the  
Department of Health, Bureau of Health Services Financing, LR  
43:

**§2503. Service Limits**

Repealed.

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, Office of the Secretary, Bureau of Health Services Financing, LR 32:1461 (August 2006), repealed by the Department of Health, Bureau of Health Services Financing, LR 43:

**§2505. Service Delivery**

Repealed.

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, Office of the Secretary, Bureau of Health Services Financing, LR 32:1461 (August 2006), repealed by the Department of Health, Bureau of Health Services Financing, LR 43:

**Chapter 27. Reimbursement**

**§2701. Reimbursement Methodology**

Repealed.

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, Office of the Secretary, Bureau of Health

Services Financing, LR 32:1461 (August 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2280 (October 2010), LR 37:2156 (July 2011), LR 39:506 (March 2013), repealed by the Department of Health, Bureau of Health Services Financing, LR 43:

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.

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.

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, no direct or indirect cost to the provider to provide the same level of service and will have

no impact on 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, March 30, 2017 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

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person

Preparing

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Dept.: Health

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Office: Bureau of Health Services  
Financing

Return P.O. Box 91030

Address: Baton Rouge, LA

Rule Title: Family Planning Waiver  
Program Termination

Date Rule Takes Effect: May 20, 2017

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. The following summary statements, based on the attached worksheets, will be published in the Louisiana Register with the proposed agency rule.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY)

*It is anticipated that the implementation of this proposed rule will result in estimated net state general fund programmatic cost of approximately \$3,908,963 for FY 16-17, \$3,508,881 for FY 17-18 and \$3,242,808 for FY 18-19. When the Section 1115 family planning waiver terminated, enrollees were shifted to family planning services covered under the Medicaid State Plan which resulted in a cost shift rather than a savings. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 16-17 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.26 percent in FY 16-17 and 63.34 percent in FY 17-18 and 18-19.*

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

*It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$6,448,439 for FY 16-17, \$6,062,536 for FY 17-18 and \$5,602,823 for FY 18-19. It is anticipated that \$324 will be expended in FY 16-17 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on a blended Federal Medical Assistance Percentage (FMAP) rate of 62.26 percent in FY 16-17 and 63.34 percent in FY 17-18 and 18-19.*

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

*This proposed Rule repeals the provisions governing the Family Planning Waiver due to the expiration of the \$1115 waiver authority on December 31, 2014 which had authorized the waiver program. Enrollees in the waiver program were shifted to family planning services covered under the Medicaid State Plan. It is anticipated that implementation of this proposed rule will increase programmatic expenditures for family planning services by approximately \$10,356,754 for FY 16-17, \$9,571,417 for FY 17-18 and \$8,845,631 for FY 18-19 due to the shift in expenditures from the Family Planning Waiver program to the family planning services covered under the Medicaid State Plan.*

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will have no effect on competition and employment.



\_\_\_\_\_  
Signature of Agency Head  
or Designee

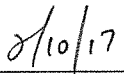
Jen Steele, Medicaid Director  
\_\_\_\_\_  
Typed name and Title of  
Agency Head or Designee



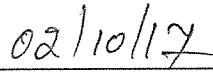
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LDH/BHSF Budget Head



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Legislative Fiscal Officer  
or Designee



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Date of Signature



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Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

*This proposed Rule repeals the provisions governing the Family Planning Waiver due to the expiration of the \$1115 waiver authority on December 31, 2014 which had authorized the waiver program.*

- B. Summarize the circumstances that require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

*The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing implemented a family planning research and demonstration project under the authority of a \$1115 waiver (Louisiana Register, Volume 32, Number 8). The Department of Health and Hospitals, Bureau of Health Services Financing adopted provisions to establish a new optional eligibility group under the Medicaid State Plan to provide coverage for family planning services and supplies (Louisiana Register, Volume 40, Number 6). Eligible participants in the Family Planning Waiver were transitioned into the new family planning eligibility group under the Medicaid state plan. The \$1115 waiver authority for the Family Planning Waiver expired on December 31, 2014. Hence, the Department of Health, Bureau of Health Services Financing now proposes to repeal the provisions governing the Family Planning Waiver due to the expiration of the \$1115 waiver authority.*

- C. Compliance with Act 11 of the 1986 First Extraordinary Session.

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

*No, this proposed rule will result in a net increase in programmatic expenditures by approximately \$10,357,402 for FY 16-17, \$9,571,417 for FY 17-18 and \$8,845,631 for FY 18-19. In FY 16-17, \$648 is included for the state's administrative expense for promulgation of this proposed rule and the final rule.*

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) \_\_\_\_\_ If yes, attach documentation.  
(b)  X  If no, provide justification as to why this rule change should be published at this time.

*Act 15 of the 2014 Regular Session of the Louisiana Legislature allocated funds to the Medical Vendor Program for payments to providers and the operation of the Medicaid Program, and thereby, authorizes the expenditure of these funds. Although this proposed rule will result in costs due to the shift in enrollees from the terminated Family Planning Waiver to family planning services covered under the Medicaid State Plan, the Department must publish this rule at this time to repeal these provisions because we no longer have the Section 1115 waiver authority to continue the services through the waiver program.*

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COST OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase or (decrease) in cost to implement the proposed action?

COST	FY 16-17	FY 17-18	FY 18-19
PERSONAL SERVICES			
OPERATING EXPENSES	\$648	\$0	\$0
PROFESSIONAL SERVICES			
OTHER CHARGES	\$10,356,754	\$9,571,417	\$8,845,631
REPAIR & CONSTR.			
POSITIONS (#)			
<b>TOTAL</b>	<b>\$10,357,402</b>	<b>\$9,571,417</b>	<b>\$8,845,631</b>

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

*The expenses reflected above are the estimated net increase in programmatic expenditures in the Medicaid program. In FY 16-17, \$648 is included for the state's administrative expense for promulgation of this proposed rule and the final rule.*

3. Sources of funding for implementing the proposed rule or rule change.

Source	FY 16-17	FY 17-18	FY 18-19
STATE GENERAL FUND	\$3,908,963	\$3,508,881	\$3,242,808
SELF-GENERATED			
FEDERAL FUND	\$6,448,439	\$6,062,536	\$5,602,823
OTHER (Specify)			
<b>Total</b>	<b>\$10,357,402</b>	<b>\$9,571,417</b>	<b>\$8,845,631</b>

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

*Yes, sufficient funds are available to implement this rule.*

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THIS PROPOSED ACTION.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustment in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

*This proposed rule has no known impact on local governmental units.*

2. Indicate the sources of funding of the local governmental unit that will be affected by these costs or savings.

*There is no known impact on the sources of local governmental unit funding.*

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

- A. What increase or (decrease) in revenues can be expected from the proposed action?

REVENUE INCREASE/DECREASE	FY 16-17	FY 17-18	FY 18-19
STATE GENERAL FUND			
AGENCY SELF-GENERATED			
RESTRICTED FUNDS*			
FEDERAL FUNDS	\$6,448,439	\$6,062,536	\$5,602,823
LOCAL FUNDS			
<b>Total</b>	<b>\$6,448,439</b>	<b>\$6,062,536</b>	<b>\$5,602,823</b>

\*Specify the particular fund being impacted

- B. Provide a narrative explanation of each increase or decrease in revenue shown in "A". Describe all data, assumptions, and methods used in calculating these increases or decreases.

*The amounts reflected above are the estimated increases in the federal share of programmatic expenditures for the Medicaid Program. In FY 16-17, \$324 is included for the federal expense for promulgation of this proposed rule and the final rule.*

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effects on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.)

*This proposed Rule repeals the provisions governing the Family Planning Waiver due to the expiration of the \$1115 waiver authority on December 31, 2014 which had authorized the waiver program. Enrollees in the waiver program were shifted to family planning services covered under the Medicaid State Plan.*

- B. Also, provide an estimate of any revenue impact resulting from this rule or rule change to these groups.

*It is anticipated that implementation of this proposed rule will increase programmatic expenditures for family planning services by approximately \$10,356,754 for FY 16-17, \$9,571,417 for FY 17-18 and \$8,845,631 for FY 18-19 due to the shift in expenditures from the Family Planning Waiver program to the family planning services covered under the Medicaid State Plan.*

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

*It is anticipated that the implementation of this proposed rule will no effect on competition and employment.*