

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Hospital Licensing Standards Obstetrical and Newborn Services Neonatal Unit Functions (LAC 48:I.9513)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.9513 as authorized by R.S. 36:254 and R.S. 40:2100-2115. 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 amended the provisions governing the licensing of hospitals in order to clarify the provisions governing obstetrical and newborn services to ensure that these provisions are aligned with current standards of practice and staffing guidelines (*Louisiana Register*, Volume 43, Number 1).

The department has determined it is necessary to amend the provisions governing the hospital licensing standards in order to further clarify the provisions governing respiratory equipment requirements for level 3 and level 3 surgical neonatal intensive care units.

Title 48 PUBLIC HEALTH-GENERAL Part I. General Administration Subpart 3. Licensing and Certification

Chapter 93. Hospitals

Subchapter S. Obstetrical and Newborn Services (Optional)

§9513. Neonatal Unit Functions

A. - C.1.b. ...

c. The staffing of this unit shall be based on patient acuity and consistent with the recommended staffing guidelines of the ~~2014~~2012 Seventh edition of the *AAP Guidelines for Perinatal Care*. For medical sub-specialty requirements, refer to Table 1 - Neonatal Medical Subspecialties and Transport Requirements.

* * *

C.2. - C. 2.f.i. ...

3. Equipment Requirements

a. This unit shall have the following support equipment, in sufficient number, immediately available as needed in the hospital that includes, but is not limited to:

i. ...

ii. ~~a full range of~~ respiratory support that ~~includes~~ allows conventional and/or high frequency provision of continuous mechanical ventilation and inhaled nitric oxide for infants less than 32 weeks gestation and weighing less than 1,500 grams.

C.4. - C.5.b. ...

D. Level III Surgical NICU

1. - 2.a. ...

* * *

3. Equipment Requirements

a. This unit shall have the following support equipment, in sufficient number, immediately available as needed in the hospital that includes, but is not limited to:

i. a full range of respiratory support that includes high frequency ventilation and inhaled nitric oxide.

E. - E.2.b. ...

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AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:2429 (November 2003), amended LR 33:286 (February 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 43:78 (January 2017), amended 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 a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by ensuring safe and effective operation of hospital perinatal services as a means of reducing infant mortalities.

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 and no direct or indirect cost to the provider to provide the same level of service. These provisions 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 Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, August 24, 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