

**NOTICE OF INTENT**

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

**Reimbursement to Federally Qualified Health Centers and  
Rural Health Clinics for Coronavirus Disease 2019 (COVID-19)  
Vaccine Administration  
(LAC 50:XI.10703 and 16703)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:XI.10703 and §16703 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 reimbursement for federally qualified health centers and rural health clinics in order to establish an alternative payment methodology to allow reimbursement for administration of the Coronavirus Disease 2019 (COVID-19) vaccine outside of the current all-inclusive prospective payment system rate on file.

**Title 50  
PUBLIC HEALTH-MEDICAL ASSISTANCE  
Part XI. Clinic Services  
Subpart 13. Federally Qualified Health Centers**

**Chapter 107. Reimbursement Methodology**

**§10703. Alternate Payment Methodology**

A. - G. ...

H. During the Coronavirus Disease 2019 (COVID-19) public health emergency, Louisiana Medicaid will establish an alternative payment methodology (APM) for FQHC providers to be reimbursed at the standard vaccine administration payment rates listed on the COVID-19 vaccine and treatment fee schedule outside of the facility's current all-inclusive prospective payment system rate on file. This APM will only be allowed when the COVID-19 vaccine is administered without the performance of an evaluation and management procedure on the same date of service.

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 34:1033 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1894 (October 2018), LR 44:2162 (December 2018), LR 45:434 (March 2019), LR 46:182 (February 2020), LR 47:

**Subpart 15. Rural Health Clinics**

**Chapter 167. Reimbursement Methodology**

**§16703. Alternate Payment Methodology**

A. - G. ...

H. During the Coronavirus Disease 2019 (COVID-19) public health emergency, Louisiana Medicaid will establish an

alternative payment methodology (APM) for RHC providers to be reimbursed at the standard vaccine administration payment rates listed on the COVID-19 vaccine and treatment fee schedule outside of the facility's current all-inclusive prospective payment system rate on file. This APM will only be allowed when the COVID-19 vaccine is administered without the performance of an evaluation and management procedure on the same date of service.

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 34:1036 (June 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1903 (October 2018), LR 44:2168 (December 2018), LR 45:435 (March 2019), amended LR 46:185 (February 2020), 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 positively affect family functioning, stability, and autonomy as described in R.S.49:972 as it will increase access to the COVID-19 vaccine in underserved areas.

#### **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 will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

#### **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 and no direct or indirect cost to the provider to provide the same level of

service as described in HCR 170, but may reduce the total direct and indirect cost and enhance the ability of some providers to provide the same level of service since this proposed Rule provides payments for services they already render.

#### **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 August 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 August 9, 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 August 26, 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 August 9, 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

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

Person Preparing Statement: Veronica Dent Dept.: Health  
 Phone: 342-3238 Office: Bureau of Health Services Financing  
 Return Address: PO Box 91030 Rule Title: Reimbursement to Federally Qualified  
Baton Rouge, LA Health Centers and Rural Health Clinics  
for Coronavirus Disease 2019 (COVID-19)  
Vaccine Administration  
 Date Rule Takes Effect: October 20, 2021

SUMMARY  
(Use complete sentences)

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 STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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

Implementation of this proposed rule will not have a net programmatic fiscal impact to the state for FY 21-22, FY 22-23, and FY 23-24, as it is anticipated that costs associated with the vaccine administration will be reimbursed at 100 percent Federal Medical Assistance Percentage (FMAP) rate. Total reimbursement for administration costs is indeterminable. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and final rule.

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

It is anticipated that the implementation of this proposed rule will have an indeterminable effect on revenue collections for FY 21-22, FY 22-23, and FY 23-24. Programmatic costs for the administration of vaccines will be reimbursed at 100 percent FMAP rate. It is anticipated that \$324 will be collected in FY 21-22 for the federal share of expense for promulgation of this proposed rule and the final rule.

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

This proposed rule amends the provisions governing reimbursement for federally qualified health centers and rural health clinics in order to establish an alternative payment methodology to allow reimbursement for administration of the Coronavirus Disease 2019 (COVID-19) vaccine outside of the current all-inclusive prospective payment system rate on file. This proposed rule will be beneficial to recipients by increasing access to vaccines during a public health emergency (PHE). It is anticipated that implementation of this proposed rule will result in an indeterminable increase in payments to the FQHC and RHC providers in FY 21-22, FY 22-23 and FY 23-24 and will be beneficial by establishing a reimbursement methodology for COVID-19 vaccine administration during a PHE .

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effects on competition and employment.

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

Tara A. LeBlanc, Interim Medicaid Executive Director  
Typed Name & Title of Agency Head or Designee  
July 7, 2021

\_\_\_\_\_  
Date of Signature

  
\_\_\_\_\_  
Legislative Fiscal Officer or Designee

7/8/21  
\_\_\_\_\_  
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 deliberation 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 amends the provisions governing reimbursement for federally qualified health centers and rural health clinics in order to establish an alternative payment methodology to allow reimbursement for administration of the Coronavirus Disease 2019 (COVID-19) vaccine outside of the current all-inclusive prospective payment system rate on file.

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

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing reimbursement for federally qualified health centers and rural health clinics in order to establish an alternative payment methodology to allow reimbursement for administration of the Coronavirus Disease 2019 (COVID-19) vaccine outside of the current all-inclusive prospective payment system rate on file.

- 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.

Implementation of this proposed rule will not have a net programmatic fiscal impact to the state for FY 21-22, FY 22-23, and FY 23-24, as it is anticipated that costs associated with the vaccine administration will be reimbursed at 100 percent FMAP rate. Total reimbursement for administration costs is indeterminable. It is anticipated that \$648 will be expended in FY 21-22 for the state's administrative expense for promulgation of this proposed rule and 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) \_\_\_\_\_ Yes. If yes, attach documentation.

(b) \_\_\_\_\_ NO. If no, provide justification as to why this rule change should be published at this time

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

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

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

COSTS	FY 22	FY 23	FY 24
Personal Services			
Operating Expenses	See Below	See Below	See Below
Professional Services			
Other Charges	See Below	See Below	See Below
Equipment			
Major Repairs & Constr.			
<b>TOTAL</b>	<b>See Below</b>	<b>See Below</b>	<b>See Below</b>

POSITIONS (#)

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.

Costs associated with vaccine administration will be reimbursed at 100 percent FMAP rate. In FY 21-22, \$648 will be spent 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 22	FY 23	FY 24
State General Fund	See Below	See Below	See Below
Agency Self-Generated			
Dedicated			
Federal Funds	See Below	See Below	See Below
Other (Specify)			
<b>TOTAL</b>	<b>See Below</b>	<b>See Below</b>	<b>See Below</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. Costs associated with vaccine administration will be reimbursed at 100 percent FMAP rate.

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

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments 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, which will be affected by these costs or savings.

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

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

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

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

REVENUE INCREASE/DECREASE	FY 22	FY 23	FY 24
State General Fund			
Agency Self-Generated			
Dedicated Funds*			
Federal Funds	See Below	See Below	See Below
Local Funds			
<b>TOTAL</b>	<b>See Below</b>	<b>See Below</b>	<b>See Below</b>

\*Specify the particular fund being impacted.

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

Costs associated with vaccine administration will be reimbursed at 100 percent FMAP rate. In FY 21-22, \$324 will be collected for the federal share of the administrative expense for promulgation of this proposed rule and the final rule.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

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

This proposed rule amends the provisions governing reimbursement for federally qualified health centers and rural health clinics in order to establish an alternative payment methodology to allow reimbursement for administration of the Coronavirus Disease 2019 (COVID-19) vaccine outside of the current all-inclusive prospective payment system rate on file. This proposed rule will be beneficial to recipients by increasing access to vaccines during a public health emergency.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

It is anticipated that implementation of this proposed rule will result in an indeterminable increase in payments to the FQHC and RHC providers in FY 21-22, FY 22-23 and FY 23-24 and will be beneficial by establishing a reimbursement methodology for COVID-19 vaccine administration during a PHE.

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.

This rule has no known effect on competition and employment.