

**NOTICE OF INTENT**

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

**Intermediate Care Facilities for Persons  
with Intellectual Disabilities  
Reimbursement Methodology  
Leave of Absence Days  
(LAC 50:II.10307 and VII.33103)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:II.10307 and VII. 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 currently allows for exceptions to the annual limit on leave of absence days, which are temporary stays outside of the facility provided for in the written individual habilitation plan, for clients of intermediate care facilities for persons with intellectual disabilities (ICFs/ID).

The department now proposes to amend the provisions governing leave of absence days for ICFs/ID in order to exclude bereavement days for close family members from the annual limit.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE  
Part II. Nursing Facilities  
Subpart 3. Standards for Payments**

**Chapter 103. Standards for Payment for Intermediate Care  
Facilities for the Mentally Retarded (ICF/MR)**

**Subchapter B. Participation**

**§10307. Payments**

\* \* \*

A. - B.1.b.i. ...

ii. leave of absence. A temporary stay outside the ICF/MR provided for in the client's written Individual Habilitation Plan. A leave of absence will not exceed 45 days per fiscal year (July 1 through June 30), and will not exceed 30 consecutive days in any single occurrence. Certain leaves of absence will be excluded from the annual 45-day limit as long as the leave does not exceed the 30 consecutive day limit and is included in the written Individual Habilitation Plan. These exceptions are as follows:

(a). - (d). ...

(e). official state holidays~~;~~ and

(f). two days for bereavement of close family members.

(i). Close Family Members-parent, step-parent, child, step-child, brother, step-brother, sister, step-sister, spouse, mother-in-law, father-in-law, grand-parent, or grand-child.

\* \* \*

B.1.c. - B.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.  
46:153.

HISTORICAL NOTE: Promulgated by the Department of Health  
and Human Resources, Office of Family Security, LR 13:578  
(October 1987), amended by the Department of Health and  
Hospitals, Office of the Undersecretary, Bureau of Health  
Services Financing, LR 25:682 (April 1999), LR 31:1081 (May  
2005), LR 31:1591 (July 2005), amended by the Department of  
Health, Bureau of Health Services Financing, LR 44:

**Part VII. Long Term Care**

**Subpart 3. Intermediate Care Facilities for Persons with Intellectual  
Disabilities**

**Chapter 331. Vendor Payments**

**§33103. Payment Limitations**

A. - A.2.a. ...

b. leave of absence. A temporary stay outside  
the ICF/ID provided for in the client's written individual  
habilitation plan. A leave of absence will not exceed 45 days  
per fiscal year (July 1 through June 30) and will not exceed 30  
consecutive days in any single occurrence. Certain leaves of  
absence will be excluded from the annual 45-day limit as long as  
the leave does not exceed the 30-consecutive day limit and is  
included in the written individual habilitation plan. These  
exceptions are as follows:

i. - iv. ...

v. official state holidays~~;~~ and

vi. two days for bereavement of close  
family members.

(a). Close Family Members-parent, step-  
parent, child, step-child, brother, step-brother, sister, step-  
sister, spouse, mother-in-law, father-in-law, grand-parent, or  
grand-child.

\* \* \*

A.3. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.  
36:254.

HISTORICAL NOTE: Promulgated by the Department of Health  
and Human Resources, Office of Family Security, LR 13:578  
(October 1987), amended by the Department of Health and  
Hospitals, Office of the Secretary, Bureau of Health Services  
Financing, LR 25:682 (April 1999), LR 31:1082 (May 2005),  
repromulgated LR 31:2257 (September 2005), amended by the  
Department of Health, Bureau of Health Services Financing, LR  
43:325 (February 2017), 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 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 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](mailto: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 Wednesday, November 29, 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