

NOTICE OF INTENT

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

**Federally Qualified Health Centers
(LAC 50:X1.10301, 10303, 10503 and 10701)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:X1.10301, §10303, §10503 and §10701 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 sec.

The Department of Health, Bureau of Health Services Financing, proposes to amend the provisions governing federally qualified health centers to ensure the language reflects current practices and promulgate these provisions clearly and accurately in the *Louisiana Administrative Code*, and to remove procedural language from the administrative Rule.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XI. Clinic Services

Subpart 13. Federally-Qualified Health Centers

Chapter 103. Services

§10301. Scope of Services

[Formerly §10501]

A. - A.5. ...

B. ~~Effective February 20, 2011, the~~ The department shall provide coverage of diabetes self-management training services rendered to Medicaid ~~recipients~~ beneficiaries diagnosed with diabetes mellitus.

1. ~~The services shall be comprised of one hour of individual instruction and nine hours of group instruction on diabetes self-management.~~ Repealed.

C. ~~Effective December 1, 2011, the~~ The department shall provide coverage for fluoride varnish applications performed in the FQHC. ~~This service shall be limited to recipients from six months through five years of age. Fluoride varnish applications may be covered once every six months per Medicaid recipient.~~

1. ~~Fluoride varnish applications shall be reimbursed when performed in the FQHC by:~~

~~_____ a. the appropriate dental providers;~~

~~_____ b. physicians;~~

~~_____ c. physician assistants;~~

~~_____ d. nurse practitioners;~~

~~_____ e. registered nurses;~~

~~_____ f. licensed practical nurses; or~~

~~_____ g. certified medical assistants.~~

~~2. All participating staff must review the Smiles for Life training module for fluoride varnish and successfully pass the post assessment. All staff involved in the varnish application must be deemed as competent to perform the service by the FQHC.~~

~~a. Physicians shall maintain a copy of the successfully completed post assessment certificate in their files for review, and shall provide the certificate to the department, or its fiscal intermediary, upon request.~~

~~b. Approved delegated appliers of fluoride varnish must also complete the training module and their certificates shall be retained on file locally as evidence of training.~~
1. - 2.b. 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 30:2328 (October 2004), repromulgated LR 30:2487 (November 2004), amended LR 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2629 (September 2011), LR 39:3076 (November 2013), amended by the Department of Health,

Bureau of Health Services Financing, LR 42:1520 (September 2016), LR 47:

\$10303. Service Limits

[Formerly \$10503]

A. There shall be no limits placed on the number of federally qualified health center visits (encounters) payable by the Medicaid program for eligible ~~recipients~~beneficiaries.

~~B. Recipients of DSMT services shall receive up to 10 hours of services during the first 12-month period beginning with the initial training date.~~

~~1. After the first 12-month period has ended, recipients shall only be eligible for two hours of individual instruction on diabetes self-management per calendar year.~~B. -

B.1. 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 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2280 (October 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2629 (September 2011), LR 41:2637 (December 2015), amended by

the Department of Health, Bureau of Health Services Financing,
LR 47:

Chapter 105. Provider Participation

§10503. Standards for Participation

[Formerly §10303]

A. Federally qualified health centers must comply with the applicable licensure, accreditation and program participation standards for all services rendered. If a FQHC wishes to initiate participation, it shall be responsible for meeting all of the enrollment criteria of the program. The FQHC provider shall:

1. ...

2. retain all records necessary to fully disclose the extent of services provided to ~~recipients~~ beneficiaries for five years from the date of service and furnish such records, and any payments claimed for providing such services, to the Medicaid Program upon request; and

A.3. - B. ...

~~C. In order to receive Medicaid reimbursement for DSMT services, a FQHC must have a DSMT program that meets the quality standards of one of the following accreditation organizations:~~

~~1. the American Diabetes Association;~~

~~2. the American Association of Diabetes Educators;
or~~

~~3. the Indian Health Service.~~

~~D. All DSMT programs must adhere to the national
standards for diabetes self-management education.~~

~~1. Each member of the instructional team must:~~

~~a. be a certified diabetes educator certified
by the National Certification Board for Diabetes Educators; or~~

~~b. have recent didactic and experiential
preparation in education and diabetes management.~~

~~2. At a minimum, the instructional team must consist
of one of the following professionals who is a certified
diabetes educator:~~

~~a. a registered dietitian;~~

~~b. a registered nurse; or~~

~~c. a pharmacist.~~

~~3. All members of the instructional team must obtain
the nationally recommended annual continuing education hours for
diabetes management.~~[C. - D.3. 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 30:2328 (October 2004), repromulgated LR 30:2488 (November 2004), amended LR 32:1901 (October 2006), amended LR 37:2630 (September 2011), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1253 (July 2018), LR 47:

Chapter 107. Reimbursement Methodology

§10701. Prospective Payment System

A. - B.4. ...

a. Fluoride varnish applications shall only be reimbursed to the FQHC when performed on the same date of service as an office visit or ~~preventative~~preventive screening. Separate encounters for fluoride varnish services are not permitted and the application of fluoride varnish does not constitute an encounter visit.

C. - G.3. ...

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 32:1902 (October 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 37:2630 (September 2011), LR 39:3076 (November

2013), amended by the Department of Health, Bureau of Health Services Financing, LR 44:1253 (July 2018), 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 have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

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 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.

Public Comments

Interested persons may submit written comments to Ruth Johnson, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Johnson is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on November 29, 2020.

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 November 9, 2020. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, the department will conduct a public hearing at 8:00 a.m. on November 24, 2020 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after November 9, 2019. 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