

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing  
and  
Office for Citizens with Developmental Disabilities**

**Home and Community-Based Services Waivers  
Supports Waiver  
(LAC 50:XXI.Chapters 57 and 59)**

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities propose to amend LAC 50:XXI.Chapters 57 and 59 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 and Office for Citizens with Developmental Disabilities propose to amend the provisions governing the supports waiver services to add assistive technology with remote features to specialized medical equipment, place service limits on assistive technology with remote features and incontinence supplies, include additional requirements for day habilitation and prevocational services providers and require that community life engagement providers must possess a valid adult day care license and provide day habilitation services.

**Title 50  
PUBLIC HEALTH-MEDICAL ASSISTANCE**

**Part XXI. Home and Community-Based Services Waivers**  
**Subpart 5. Supports Waiver**

**Chapter 57. Covered Services**

**§5701. Supported Employment Services**

A. - C. ...

D. Transportation is a separate billable component for supported employment services, both individual and group. Transportation may be billed on the same day as a supported employment service is delivered or if Follow-Along Supports are on the plan of care (POC).

E. - J. ...

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, Office for Citizens with Developmental Disabilities, LR 32:1605 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2585 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), LR 48: LR 48:1575 (June 2022), LR 50:212 (February 2024), LR 50:

**§5725. Specialized Medical Equipment and Supplies**

A. Specialized Medical Equipment and Supplies

1. Incontinence briefs and supplies are available for a beneficiary, 21 years or older, who has a physician's order and requires the use of incontinence briefs and supplies.

2. Assistive technology (AT), which may include remote features, is a service intended to increase the individual's ability to perform activities more independently in their home, at their job, traveling around their community and/or communicating with others. The service may include equipment and applications that are used to support an individual remotely and increase their safety, independence and control. This service includes a consultation and, if needed, a monthly subscription fee.

B. Service Restrictions

1. Incontinence supplies are for those who are 21 years of age or older.

2. Assistive technology with remote features is for anyone 18 years or older.

3. Incontinence supplies require a physician's order.

4. An AT consultation is available if needed.

C. Service Limitations

1. Incontinence supplies' cost cannot exceed \$2,500 in a single plan of care year.

2. Assistive technology with remote features services shall not exceed the number of units of service as outlined in the plan of care, and must have a prior authorization.

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, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 50:214 (February 2024), LR 50:

## **Chapter 59. Provider Participation**

### **§5901. General Provisions**

A. - B. ...

C. In addition to meeting the requirements cited in §5901.A and B, providers must meet the following requirements for the provision of designated services:

1. Day Habilitation and Prevocational Services. The provider must possess a current, valid license as an adult day care center in order to provide these services and for the community career planning service (prevocational), the provider may possess a valid certificate as a community rehabilitation provider (CRP) from an approved program or the certification and training as required per OCDD.

2. - 7. ...

8. Specialized Medical Equipment and Supplies.

Providers of this service must be enrolled to participate in the Medicaid Program as a provider of assistive technology, specialized medical equipment, and supplies.

9. Community Life Engagement Development. Providers of this service must possess a valid adult day care license and provide day habilitation services.

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, Office for Citizens with Developmental Disabilities, LR 32:1607 (September 2006), LR 34:662 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, Office for Citizens with Developmental Disabilities, LR 40:2587 (December 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2532 (December 2017), LR 48:1579 (June 2022), LR 50:215 (February 2024), LR 50:

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 a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 ensuring that waiver participants have access to coverage for increased services.

**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 a positive impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973 that could ease the financial burden on the family by ensuring access to coverage for additional waiver services.

**Small Business Analysis**

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may

have a positive impact on small businesses since it is anticipated to provide reimbursements for additional Supports Waiver services.

#### **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, that is anticipated to provided reimbursements for additional Supports Waiver Services.

#### **Public Comments**

Interested persons may submit written comments to Kimberly Sullivan, JD, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on October 30, 2024.

#### **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 October 10, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on October 31, 2024 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 October 10, 2024. 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.

Michael Harrington, MBA, MA

Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>Lyrica Johnson</u>	Dept.:	<u>Health</u>
Phone:	<u>342-6375</u>	Office:	<u>Bureau of Health Services Financing</u>
Return Address:	<u>P.O. Box 91030</u>	Rule Title:	<u>Home and Community-Based Services Waiver</u>
	<u>Baton Rouge LA</u>		<u>Supports Waiver</u>
		Date Rule Takes Effect:	<u>December 20, 2024</u>

**SUMMARY**  
(Use complete sentences)

In accordance with Section 961 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)**

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$41,778.66 for FY 24-25, \$45,761.30 for FY 25-26, and \$49,078.29 for FY 26-27. It is anticipated that \$864 (\$432 SGF and \$432 FED) will be expended in FY 24-25 for the state's administrative expense for promulgation of this proposed rule and the final rule.

This proposed rule amends the provisions governing the supports waiver services to add assistive technology with remove features to specialized medical equipment, place service limits on assistive technology with remote features and incontinence supplies, include additional requirements for day habilitation and prevocational services providers and require that community life engagement providers must possess a valid adult day care license and provide day habilitation services.

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

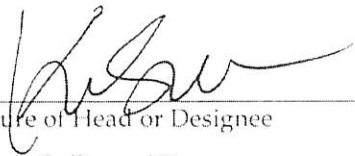
It is anticipated that implementation of this proposed rule will increase federal revenue collections by approximately \$90,636.00 for FY 24-25, for \$97,064.24 for FY 25-26, and \$105,987.40 for FY 26-27. It is anticipated that \$432 will be collected in FY 24-25 for the federal share of the expense 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 the supports waiver services to add assistive technology with remove features to specialized medical equipment, place service limits on assistive technology with remote features and incontinence supplies, include additional requirements for day habilitation and prevocational services providers and require that community life engagement providers must possess a valid adult day care license and provide day habilitation services. Providers and small businesses will benefit from implementation of this proposed rule, since it is anticipated to increase Medicaid payments for Supports Waiver services by approximately \$131,551.57 for FY 24-25, \$142,825.54 for FY 25-26, and \$155,065.69 for FY 26-27.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

  
\_\_\_\_\_  
Signature of Head or Designee  
Kimberly Sullivan, JD  
Medicaid Executive Director  
\_\_\_\_\_  
Typed Name & Title of Agency Head or Designee  
9.10.24  
\_\_\_\_\_  
Date of Signature

  
\_\_\_\_\_  
Patricia Thomas, Deputy Fiscal Officer  
Legislative Fiscal Officer or Designee  
9/10/2024  
\_\_\_\_\_  
Date of Signature