

POTPOURRI

Department of Health
Health Standards Section

Public Hearing—Substantive Changes to Proposed Rule
Intermediate Care Facilities for Persons with Developmental
Disabilities
Licensing Standards
(LAC 48:I.8531 and 8591)

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 published a Notice of Intent in the August 20, 2023 edition of the *Louisiana Register* (LR 49:1492-1494) to amend LAC 48:I.Chapter 85 as authorized by R.S. 36:254 and R.S.40:2180-2180.5. This Notice of Intent proposed to amend the provisions governing intermediate care facilities for persons with developmental disabilities (ICF/DD) in order to update the requirements for visitation by close family members of a resident during a declared PHE, in compliance with Act 367 of the 2023 Regular Session of the Louisiana Legislature. The department also proposed to adopt provisions requiring the ICF/DD to develop policies and procedures to ensure that residents, family members, and/or responsible parties or guardians are notified upon admission of registered sex offenders by the facility.

As a result of comments received in response to the proposed Rule, the department determined that additional, non-

technical revisions are necessary to the provisions of §8531 of the August 20, 2023 Notice of Intent.

Taken together, these revisions will closely align the proposed Rule with the department's original intent and the concerns brought forth during the comment period for the Notice of Intent as originally published.

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

Chapter 85. Intermediate Care Facilities for Persons with Developmental Disabilities

Subchapter B. Administration and Organization

§8531. Governing Body

A. - I.10. ...

J. The ICF/DD is not required to admit registered sex offenders; however, if the ICF/DD admits a registered sex offender, as described in R.S. 15:542, or current law, then the ICF/DD shall develop policies and procedures to ensure that residents, their family members including at a minimum, their primary and secondary contact, and/or their responsible parties, any authorized representative, or guardians are notified upon admission of sex offenders living in the facilities. Such policies and procedures must include provisions for addressing the safety and well-being of other residents, staff, and

visitors, subject to 42 C.F.R. §483.420, or current law. The requirement of notification shall continue for as long as the information is considered a public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180-2180.5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3190 (December 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 50:

Interested persons may submit written comments to Tasheka Dukes, RN, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Dukes is responsible for responding to inquiries regarding these substantive changes to the proposed Rule. A public hearing on the substantive changes to the proposed Rule is scheduled for Thursday, December 28, 2023 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., January 2, 2024.

Stephen R. Russo, JD

Secretary