

RULE
Department of Health
Health Standards Section

Facility Need Review
(LAC 48:I.12501 and 12545)

The Department of Health, Health Standards Section (the department) has amended LAC 48:I.12501 and 12545, as authorized by R.S. 36:254 and R.S. 40:2116. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation. **Title 48**

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 5. Health Planning

Chapter 125. Facility Need Review

Subchapter A. General Provisions

§12501. Definitions

A. Definitions. When used in this Chapter the following terms and phrases shall have the following meanings unless the context requires otherwise.

Abeyance of Nursing Facility Beds—a situation in which a nursing facility (NF), if it meets certain requirements, may have all (but not only a portion) of its approved beds disenrolled from the Medicaid Program without causing the approval for the beds to be revoked after 120 days. If a NF places all of its approved beds in abeyance, then the NF license shall also be in abeyance.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:221 (February 2024), amended LR 50:984 (July 2024), amended LR 51:400 (March 2025).

Subchapter E. Nursing Facility Bed Abeyance

§12545. General Provisions

A. A NF may have all of its approved beds disenrolled from the Medicaid program and placed in abeyance if the department determines that the average annual occupancy in the service area where the facility is located is less than 85 percent. The department shall base this determination on the occupancy figures contained in the most recent LTC-2 report issued by the department prior to its receipt of a written request that the facility's beds be placed in abeyance in accordance with §12545.B.

1. If a NF places all of its approved beds in abeyance, then the NF license shall also be in abeyance. Once approved beds are taken out of abeyance and re-enrolled in the Medicaid program in satisfaction of all the requirements set forth in §12545, then the license may be re-issued to the NF. Nursing facility license renewal is not required while the NF approved beds and license are in abeyance. B. - N. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2116 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:237 (February 2024), amended LR 51:400 (March 2025).

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