

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part IX. Professional Services Program
Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology
Subchapter B. Physician Services
§15113. Reimbursement Methodology

A - M. ...

N. Effective for dates of service on or after January 20, 2025, the department allows for the coverage of certain physician administered drugs (specifically biosimilars) by all Mary Bird Perkins (MBP) Cancer Center locations throughout Louisiana. Coverage of biosimilar medications will be made for CPT codes listed on the Louisiana Medicaid MBP biosimilars fee schedule and reimbursement will be determined using the following methodology.

1. Reimbursement and periodic updates to the rates shall be made in accordance with the approved Louisiana Medicaid State Plan provisions governing physician-administered drugs in a physician office setting:

a. average sales price (ASP) plus 6 percent, for drugs appearing on the Medicare file;

b. reimbursement rates for drugs that do not appear on the Medicare file shall be determined utilizing the following alternative methods:

i. the wholesale acquisition cost (WAC) of the drug, if available;

ii. if there is no WAC available, the reimbursement rate will be 100 percent of the provider's current invoice for the dosage administered.

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, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:477 (April 2021), LR 47:887 (July 2021), LR 48:1100 (April 2022), LR 51:71 (January 2025).

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.

Michael Harrington, MBA, MA
Secretary

2510#045

RULE

Department of Health
Health Standards Section

Ambulatory Surgical Center
Licensing Standards
(LAC 48:I.4531)

The Department of Health, Health Standards Section, has amended LAC 48:I.4531 as authorized by R.S. 36:254 and R.S. 40:2131-2141. This Rule has been 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 3. Licensing and Certification

Chapter 45. Ambulatory Surgical Center
Subchapter B. Administration and Organization
§4531. Governing Body

A. - C. ...

D. The governing body of an Ambulatory Surgical Center (ASC) shall:

1. ...

2. ensure that the ASC is adequately funded and fiscally sound which entails a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$100,000.

a. - b. Repealed.

3. - 15.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2131-2141.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1740 (September 2017), amended by the Department of Health, Health Standards Section, LR 51:71 (January 2025).

Michael Harrington, MBA, MA
Secretary

2501#061

RULE

Department of Health
Health Standards Section

Free-Standing Birth Centers
Licensing Standards
(LAC 48:I.Chapter 67)

The Department of Health, Health Standards Section, has amended LAC 48:I.Chapter 67 as authorized by R.S. 36:254 and R.S. 40:2180.21-2189.28. This Rule has been 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 3. Licensing and Certification

Chapter 67. Free-Standing Birth Centers
Subchapter A. General Provisions
§6713. Types of Licenses and Expiration Dates

A. The department shall have the authority to issue the following types of licenses.

1. ...

2. Provisional Initial License. The department may issue a provisional initial license for a period not to exceed six months to an FSBC when the initial licensing survey finds that the FSBC is noncompliant with any licensing laws or regulations or any other required statutes, laws, ordinances, rules, regulations or fees, but the department determines that the noncompliance does not present a threat

to the health, safety or welfare of the clients. A provisional license may also be issued after an initial licensing survey to allow the FSBC to become accredited.

a. At the discretion of the department, the provisional license may be extended for an additional period not to exceed twelve months in order for the FSBC to reach accreditation status.

3. - 4.j. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2110 (August 2022), amended by the Department of Health, Health Standards Section, LR 51:71 (January 2025).

§6717. Renewal of License

A. - E. ...

F. A CHOW of the FSBC shall not be submitted at the time of renewal of the FSBC's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2111 (August 2022), amended LR 49:482 (March 2023), amended by the Department of Health, Health Standards Section, LR 51:72 (January 2025).

§6719. Deemed Status

A. - H. ...

I. An FSBC approved for deemed status is subject to and shall comply with all provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2112 (August 2022), amended by the Department of Health, Health Standards Section, LR 51:72 (January 2025).

Subchapter B. Administration and Organization

§6737. Policies and Procedures

A. - G. ...

H. The FSBC shall have written policies and procedures approved by the governing body, which shall be implemented and followed, that address, at a minimum, the following:

1. - 12. ...

13. hours outside of stated usual and customary operation, including, but not limited to early closures, extended business hours, and holidays;

14. conditions for coverage, if applicable; and

15. preventing, responding to, reporting, and mitigating instances of healthcare workplace violence in accordance with R.S. 40:2199.12(3), or current law.

I. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2116 (August 2022), amended by the Department of Health, Health Standards Section, LR 51:72 (January 2025).

Subchapter D. Service Delivery

§6761. Discharges

A. - C. ...

D. Upon discharge, the FSBC shall:

1. provide each client and their family member(s) with written discharge instructions, including available resources and written guidelines detailing how the client may get emergency assistance for herself and her newborn;

2. - 3.g....

4. ensure that all clients and their family member(s) are informed, either in advance of their delivery or prior to leaving the FSBC, of the following:

a. - c. ...

E. The FSBC shall ensure that each client has a discharge order signed by the licensed healthcare practitioner;

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.21-2180.28.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:2120 (August 2022) amended by the Department of Health, Health Standards Section, LR 51:72 (January 2025).

Michael Harrington, MBA, MA
Secretary

2510#062

RULE

Department of Health Health Standards Section

Healthcare Facility Sanctions
(LAC 48:I.4603)

The Department of Health, Health Standards Section, has amended LAC 48:I.4603 as authorized by R.S. 36:254, R.S. 40:2009.11, 40:2009.23, 40:2199, and 40:2199.1. This Rule has been 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 3. Licensing and Certification

Chapter 46. Healthcare Facility Sanctions

Subchapter A. General Provisions

§4603. Definitions

* * *

Repeat Violation—either of the following:

1. the existence of the violation is established as of a particular date, and it is one that may be reasonably expected to continue until corrective action is taken. The department may elect to treat the cited continuing violation as a repeat violation subject to appropriate sanction for each day following the date on which the initial violation is established until such time as there is evidence that the violation has been corrected; or

2. the existence of a violation is established and another violation that is the same or substantially similar to the cited violation occurs within 18 months. The second and all similar violations occurring within an 18 month time period will be considered as repeat violations and sanctioned accordingly.

Sanction—any adverse action imposed on a facility by the department pursuant to its statutory or regulatory authority for a violation of a statute, law, rule, or regulation. For purposes of this Rule, sanction does not include the following: