

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 4

BY REPRESENTATIVE BUTLER

A CONCURRENT RESOLUTION

To amend the Louisiana Department of Health rule, LAC 50:VII.32913(A) and (C), which provides for Medicaid reimbursement to non-state intermediate care facilities for persons with intellectual and developmental disabilities for resident leave of absence days, and to direct the office of the state register to print the amendments in the Louisiana Administrative Code.

WHEREAS, intermediate care facilities for persons with intellectual and developmental disabilities, known commonly as ICFs, are residential facilities at which children and adults with special needs receive individualized health care and habilitation services; and

WHEREAS, these facilities are regulated under the provisions of Part VI-E of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950 (R.S. 40:2180 et seq.) and Subpart 3 of Part VII of Title 50 of the Louisiana Administrative Code (LAC 50:VII.30101 et seq.); and

WHEREAS, though ICFs are institutional long-term care facilities, many of them implement service-enriched models of care and provide high-quality programs and therapeutic activities that help their residents achieve the greatest degree of independence and best quality of life; and

WHEREAS, the Joint Medicaid Oversight Committee, in the annual report that it submitted to the legislature in January of 2022, documented the ongoing workforce crisis and urgent need for investment in this state's disability services system; and

WHEREAS, ICFs are an integral part of the disability services system and the state Medicaid program overall; and

WHEREAS, the administrative rules of the Louisiana Department of Health which set Medicaid payments to ICFs for resident leave of absence days at a percentage of those facilities' per diem rates on file as of February 19, 2009, are emblematic of what advocates

for people with disabilities claim is a pattern of chronic underfunding of the disability services system within the state Medicaid program; and

WHEREAS, increasing Medicaid reimbursement to ICFs for resident leave of absence days is a means of contributing to workforce retention at these facilities; and

WHEREAS, the provisions of R.S. 49:969 authorize the legislature, by concurrent resolution, to suspend, amend, or repeal any rule or regulation adopted by a state department, agency, board, or commission.

THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC 50:VII.32913(A) and (C) are hereby amended to read as follows:

§32913. Leave of Absence Days

A. The reimbursement to non-state ICF/DDs for hospital leave of absence days is ~~75~~ 85 percent of the current applicable per diem rate.

* * *

C. ~~Effective for dates of service on or after February 20, 2009, the~~ The reimbursement to non-state ICF/DDs for leave of absence days is ~~75~~ 85 percent of the current applicable per diem rate ~~on file as of February 19, 2009~~ provided for in this Chapter.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the office of the state register and to the secretary of the Louisiana Department of Health.

BE IT FURTHER RESOLVED that the office of the state register is hereby directed to have the amendments to LAC 50:VII.32913(A) and (C) printed and incorporated into the Louisiana Administrative Code.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE