HLS 23RS-2963 ENGROSSED

2023 Regular Session

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HOUSE RESOLUTION NO. 173

## BY REPRESENTATIVES BUTLER AND ECHOLS

MEDICAID: Directs the La. Dept. of Health to report statistics on abuse and neglect in certain Medicaid programs

A RESOLUTION

2	To direct the Louisiana Department of Health to report information, including statistics, on
3	abuse and neglect in certain Medicaid programs.
4	WHEREAS, the Louisiana Department of Health (LDH) defines abuse as the
5	infliction of physical or mental injury, or actions which may reasonably be expected to
6	inflict physical injury, on an adult by other parties as defined in R.S. 15:1503; and
7	WHEREAS, LDH also defines neglect as the failure, by a caregiver responsible for
8	an adult's care or by other parties, to provide the proper or necessary support or medical,
9	surgical, or any other care necessary for his well-being as defined in R.S. 15:1503; and
10	WHEREAS, according to LDH, the integrity of the Medicaid program in this state
11	is protected by its abuse policies; and
12	WHEREAS, the LDH website provides detailed descriptions of activities that may
13	be considered abusive in accordance with Louisiana law and otherwise; and
14	WHEREAS, there is a multitude of Medicaid-related health programs in this state;
15	and
16	WHEREAS, Medicaid is the primary health insurance provider for many individuals
17	with disabilities; and
18	WHEREAS, such individuals rely heavily on the Medicaid program in this state and
19	the caregivers and additional support provided by such programs; and
20	WHEREAS, such individuals may require a significant amount of medical attention
21	and daily living assistance as they are unable to care for themselves; and

1	WHEREAS, ensuring the safety of such individuals in this state is of the utmost
2	importance to the Legislature of Louisiana and the citizens of this state; and
3	WHEREAS, the statistics of such programs are indicative of the effectiveness and
4	efficiency of the Medicaid program in this state; and
5	WHEREAS, it is the duty of the Legislature of Louisiana to ensure the integrity of
6	Medicaid program in this state and the practices of the program to ensure the safety of
7	recipients of such services.
8	THEREFORE, BE IT RESOLVED that the House of Representatives of the
9	Legislature of Louisiana does hereby direct the Louisiana Department of Health to produce
10	a report enumerating and summarizing all allegations of abuse and neglect in Medicaid
11	providers of Home and Community-Based Services (HCBS) as defined in R.S. 40:2120.2,
12	Intermediate Care Facilities for the Developmentally Disabled (ICF-DD), and Adult Day
13	Health Care (ADHC) services.
14	BE IT FURTHER RESOLVED that the statistics shall include information from the
15	Health Standards Section of the Louisiana Department of Health, adult protection services
16	of the office of aging and adult services, the Louisiana Department of Children and Family
17	Services, and the governor's office of elderly affairs regarding services provided by the
18	office of aging and adult services, the office for citizens with developmental disabilities,
19	nursing homes, intermediate care facilities for developmental disabilities, waiver programs,
20	and any other facilities that provide home- and community-based living services in this state
21	for which the Louisiana Department of Health has oversight.
22	BE IT FURTHER RESOLVED that the information included in the report shall
23	contain statistics from January 1, 2021, to December 31, 2022.
24	BE IT FURTHER RESOLVED that the information required by this Resolution shall
25	include all of the following information:
26	(1) The existing rules promulgated to address the reporting of claims of abuse and
27	neglect for the state's Medicaid program of residents and clients of Medicaid providers of
28	HCBS, ICF-DD, and ADHC.

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- 1 (2) An enumerated list summarizing the reported abuse and neglect claims of
- 2 residents, clients of residents, and clients of Medicaid providers of HCBS, ICF-DD, and
- 3 ADHC.
- 4 (3) An enumerated list of the additional rules promulgated in effect from January 1,
- 5 2021 to December 31, 2022 and applicable to allegations of abuse and neglect involving
- 6 residents and clients of Medicaid providers of HCBS, ICF-DD, and ADHC services.
- 7 BE IT FURTHER RESOLVED that on or before July 1, 2024, the Louisiana
- 8 Department of Health shall submit to the House Committee on Health and Welfare and the
- 9 David R. Poynter Legislative Research Library a written report of its findings.
- BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
- secretary of the Louisiana Department of Health.

## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Butler

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## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Health and Welfare</u> to the original bill:

- 1. Require the report produced to enumerate and summarize all allegations of abuse and neglect in the provision of certain Medicaid services as provided in <u>present</u> law.
- 2. Specify which content shall be included in the statistics report.
- 3. Insert language that includes residents and clients of Medicaid providers in the requirements for the report.
- 4. Change the date of submission for the report <u>from</u> February 1, 2024 <u>to</u> July 1, 2024.
- 5. Make technical corrections.