

**DECLARATION OF EMERGENCY**

**Department of Health and Hospitals  
Bureau of Health Services Financing**

**Facility Need Review  
(LAC 48:I.12501 and 12525)**

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.12501 and §12525 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2116. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the facility need review (FNR) process to adopt provisions governing the inclusion of outpatient abortion facilities in the FNR Program (*Louisiana Register*, Volume 38, Number 8). The department now proposes to amend the provisions governing the FNR Program in order to revise the definition for home and community-based service providers to include monitored in-home caregiving (MIHC) services, and to revise the provisions governing the service area for adult day health care providers.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider

participation in the FNR Program. It is estimated that implementation of this Emergency Rule will have no programmatic costs for state fiscal year 2014-2015.

Effective November 20, 2014, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the Facility Need Review Program.

## **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. ...

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*Home and Community Based Service (HCBS) Providers*—those agencies, institutions, societies, corporations, facilities, person or persons, or any other group intending to provide or providing respite care services, personal care attendant (PCA) services, ~~or~~ supervised independent living (SIL) services, monitored in-home caregiving (MIHC) services, or any combination of services thereof, including respite providers, SIL providers, MIHC providers, and PCA providers.

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

HISTORICAL NOTE: Promulgated by the Department of Health  
and Hospitals, Office of the Secretary, Bureau of Health  
Services Financing, LR 21:806 (August 1995), amended LR 25:1250  
(July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004),  
LR 32:845 (May 2006), LR 34:2611 (December 2008), amended by the  
Department of Health and Hospitals, Bureau of Health Services  
Financing, LR 35:2437 (November 2009), amended LR 36:323  
(February 2010), LR 38:1961 (August 2012), LR 40:

Subchapter B. Determination of Bed, Unit, Facility, or Agency  
Need

**§12525. Adult Day Health Care Providers**

A. ...

B. ~~The service area for proposed or existing ADHC  
providers is the parish in which the ADHC provider is or will be  
licensed~~For purposes of facility need review, the service area  
for a proposed ADHC provider shall be within a 30 mile radius of  
the proposed physical address where the provider will be  
licensed.

C. - E.3. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:323 (February 2010), amended LR 40:

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.

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Kathy H. Kliebert

Secretary