



LNHA State Regulatory Update: June 2017

Emergency Rules

[Recovery Audit Contractor \(RAC\) Program \(LAC 50:I.Chapter 85\)](#)

The Patient Protection and Affordable Care Act (PPACA) directed states to establish a RAC program to audit payments to Medicaid providers. Accordingly, Act 568 of the 2014 Regular Louisiana Legislative Session directed the Department of Health (LDH) to implement a RAC program. To accomplish this, LDH promulgated an emergency rule in November 2014 which adopted provisions to establish the RAC program. This emergency rule is being promulgated to continue the provisions of the November 2014 emergency rule. No substantive changes have been made.

Final Rules

In March, LDH published a Notice of Intent regarding Preadmission Screening and Resident Review (PASRR) regulations. The proposed rules were also featured in the LNHA Executive Director's Memo published on April 7, 2017. The proposed amendments did the following: 1) removed the requirement that the level I preadmission screening and resident review (PASSR) form be completed by a physician; (2) extended the number of days that the level II authority may make and advance group determination for individuals who require convalescent care in a nursing facility; (3) required nursing facilities to notify the level II authority if a PASSR was not completed or completed incorrectly; and (4) clarified existing provisions.

Since its introduction in March, the proposed rules have been properly implemented through the administrative process. As such, the rules became final on June 20, 2017. A full text of the rules can be found [here](#).

If you have any questions or concerns regarding the preceding rules, please contact LNHA's Legal and Policy Director [Wes Hataway](#).