



LNHA State Regulatory Update: May 2018

The May edition of the *Louisiana Register* contained several emergency rules implementing rate reductions and program and services termination in the Medical Assistance Program. The rules included the termination of the Special Income Level Eligibility program among other services and were introduced in anticipation of the state budgetary shortfall and projected cuts. As a result of the Second Extraordinary Legislative Session, the state budget fully funds the Louisiana Department of Health (LDH). Accordingly, on June 16, **LDH rescinded the emergency rules and the programs and services are no longer facing cuts.** Click [here](#) to view the new rule which rescinds the previous rules.

Emergency Rules (Now Rescinded)

Medicaid Eligibility - Medically Needy Program Termination (LAC 50:III.939 and 2313)

As a result of the budgetary shortfall in the state fiscal year (SFY) 2018-19, the Louisiana Department of Health (LDH) determined that it is necessary to promulgate an Emergency Rule to repeal all of the provisions governing the Medically Needy Program (MNP), including Spend-Down MNP in order to terminate the optional Medicaid program.

Medicaid Eligibility - Provisional Medicaid Program Termination (LAC 50:III:2305)

As a result of the budgetary shortfall in SFY 2018-19, LDH determined that it is necessary to promulgate an Emergency Rule to repeal the provisions governing the Provisional Medicaid Program in order to terminate this optional Medicaid Program.

Medicaid Eligibility - Special Income Level Eligibility Termination

As a result of the budgetary shortfall in SFY 2018-19, LDH determined that it is necessary to promulgate an Emergency Rule to repeal the provisions of the March 20, 1986, rule governing Medicaid eligibility in order to terminate the optional Medicaid eligibility group coverage. This action is being taken to avoid a budget deficit in the Medical Assistance Program.

Nursing Facilities - Reimbursement Methodology (LAC 50:II.20001)

As a result of a budgetary shortfall in SFY 2018-19, LDH determined that it is necessary to promulgate an Emergency Rule to amend the provisions governing the reimbursement methodology for nursing facility services. The rule suspends the provisions of LAC 50:II.Chapter 200 governing the rebasing methodology and trending requirements for nursing facility rates and imposes provisions to ensure that the current rates in effect do not increase for the SFY 2018-2019 rating period. This action is being taken to avoid a budget deficit in the Medical Assistance Program.

Nursing Facilities Reimbursement Methodology - Leave of Absence Days (LAC 50:II.10147 and 20021)

As a result of the budgetary shortfall in SFY 2018-19, LDH determined that it is necessary to promulgate an Emergency Rule to amend the provisions governing the reimbursement methodology for nursing facility services in order to eliminate payments for leave of absence patients who are on leave due to hospitalization or visits to home and/or family members. This action is being taken to avoid a budget deficit in the Medical Assistance Program.

If you have comments or concerns regarding this update, contact LNHA's Legal and Policy Director, Wes Hataway at whataway@lnha.org. View the full text of the final rule [here](#).