



LNHA State Regulatory Update: October 2018

Emergency Rules

Nursing Facilities – Reimbursement Methodology, Transition of Private Facilities to State-Owned or Operated Facilities through Change of Ownership (LAC 50:II20023 and 20024)

In July 2018, the Louisiana Department of Health (LDH) adopted an Emergency Rule which amended the provisions pertaining to the reimbursement methodology for nursing facilities in transition from a private nursing facility to a state-owned or operated nursing facility through a change of ownership. This Emergency Rule is being enacted in order to continue the provisions of the July Emergency Rule.

Final Rule

Home and Community-Based Waivers – Community Choices Waiver (LAC 50:XXI.Chapters 81-87 and 93)

In the July 2018 edition of the *Louisiana Register*, LDH published a Notice of Intent to amend the provisions governing the Community Choices Waiver (CCW). Included in the proposal was a provision to amend the criteria for CCW priority offers to specify priority for individuals admitted to or residing in nursing facilities for who Medicaid is the sole payer source. LNHA detailed the proposal in its July Regulatory Update.

Since its introduction in February, the proposed amendments have been properly implemented through the administrative process. As such, the rules became final on October 20, 2018. A full text of the rules can be found [here](#) on page 86 of the PDF.

Managed Care for Physical and Behavioral Health – Skilled Nursing Facilities (LAC 50.I.3507)

In July 2018, LDH published a Notice of Intent regarding the provisions governing managed care for physical and behavioral health in order to allow managed care organizations (MCOs) to utilize skilled nursing facilities for members who transition from acute care hospital services as a step-down continuum of care and to align the governing authorities with current operations and practices. LNHA detailed the proposal in its [July 2018 Regulatory Update](#).

Since its introduction in February, the proposed amendments have been properly implemented through the administrative process. As such, the rules became final on October 20, 2018. A full text of the rules can be found [here](#) on page 93 of the PDF.

Notice of Intent

Nurse Licensure Compact (LAC 48:I. Chapter 88)

[Act 577](#) of the 2018 Regular Session enacted La. R.S. 37:1018-1020 which directed LDH to establish provisions governing the Nurse Licensure Compact, a multi-state compact for nurses to obtain multi-state license privileges in order to decrease redundancies in the consideration and issuance of nursing licenses. The compact would also provide an opportunity for interstate practice by nurses who meet LDH's uniform licensure requirements.

In accordance with the requirements of Act 577, LDH proposes to adopt several provisions governing the Nurse Licensure Compact. The proposed rule requires all health care entities licensed and certified by the Health Standards Section of LDH to 1) register with the Nation Council of State Boards of Nursing's (NCSBN Nursys e-Notify system and 2) provide required nurse data for collection and aggregate data from employees on the number and geographic representation of registered nurses (RNs) and licensed practical nurses/licensed vocational nurses (LPNs/LVNs) employed in the Louisiana practicing pursuant to a multi-state

license, as determined by the Louisiana State Board of Nursing (LSBN) and the Louisiana State Board of Practical Nurse Examiners (LSBPNE). A full text of the rules can be found [here](#) on page 126 of the PDF.

LDH advised LNHA that that the Health Standards Section and the LSBN will release information in the near future regarding the data reporting process. When that information becomes available, LNHA will share it with our members.

If you have a comment to this proposed rule, submit the comment to Cecile Castello at MedicaidPolicy@la.gov or mail to Bureau of Health Services Financing, Attn: Cecile Castello, P.O. Box 91030, Baton Rouge, LA 70821. LDH will host a public hearing of the proposed rules at 9:30 a.m. on November 29, 2018, in Room 118 of the Bienville Building at 628 North Fourth St., Baton Rouge, LA.

If you have comments or concerns regarding this update, contact LNHA's Legal and Policy Director, Wes Hataway at whataway@lnha.org.