



## LNHA State Regulatory Update: December 2018

### Final Rule

#### **Home and Community-based Service Waivers- Adult Day Health Care Waiver (LAC 50:XXI.Chapters 21-27)**

In September 2018, the Louisiana Department of Health (LDH) and the Office of Aging and Adult Services (OAAS) amended the rules governing the Adult Day Health Care (ADHC) Waiver. One of the reasons stated for the amendments was to “amend the criteria for priority offers to specify priority for individuals admitted to or residing in nursing facilities who have Medicaid as the sole payer source.”

The ADHC waiver priority list is now listed as the following:

1. Individuals with substantiated cases of abuse or neglect referred by protective services who, without ADHC waiver services, would require institutional placement to prevent further abuse and neglect
2. Individuals who have been discharged after a hospitalization within the past 30 calendar days that involved a stay of at least one night
3. Individuals admitted to, or residing in, a nursing facility who have Medicaid as the sole payer source for the nursing facility stay.

The full text of the rule can be found [here](#) on page 62 of the PDF.

#### **Expedited Licensing Process for Healthcare Facilities and Providers (LAC 48:I Chapter 41)**

[Act 324](#) of the 2018 Regular Session of the Louisiana Legislature enacted La. R.S. 40:2006.2 which directed LDH to establish an expedited licensing process and fees for healthcare facilities and providers licensed by the Department. In compliance with the Act, LDH adopted rules governing an expedited licensing process and fees for health care facilities and providers licensed by the Department.<sup>1</sup>

Nursing facilities are listed as a Tier I provider. The expedited licensing fee for a Tier I provider is \$7,000. If an applicant submits an expedited licensing process application and pays all applicable fees in the required manner, the Department will prioritize the application. Once the application packet has been approved, the Department will conduct a licensing survey within 10 days of the readiness date provided by the applicant. The Department shall provide written notification of the survey results within 10 days of the survey date.

Since its introduction, the proposed rules have been properly implemented through the administrative process. As such, the rules became final and in effect on December 20, 2018.

The full text of the rule can be found [here](#) on page 59 of the PDF.

#### **Nursing Facilities – Continued Stay Requests (LAC 50:II.503)**

In September 2018, LDH and OAAS proposed to amend the rules governing medical certification for nursing facility admissions in order to align the requirements for continued stay requests with the current OAAS policies and procedures. The amendment was introduced as a clarification of a rule that was published in the [June 2018 Louisiana Register](#) regarding “continued stay requests.” The June rule stated a continued stay request must be accompanied with “documentation to support the continued stay request, including an MDS 3.0 conducted no more than 14 calendar days prior to the request.”

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<sup>1</sup> Please note that the moratorium on new licensed nursing facility beds is still in effect.

The September proposed amendment changed the requirement to read “documentation to support the continued stay request, including **the most recent MDS 3.0.**” The change was made a result of concerns expressed by providers in adhering to the 14-calendar day requirement and should make it easier to comply.

The full text of the rule can be found [here](#) on page 66 of the PDF.

Since introduction, both proposed rules have been properly implemented through the administrative process. As such, the rules became final and in effect on December 20, 2018.

### Questions

If you have comments or concerns regarding this update, contact LNHA’s Legal and Policy Director, Wes Hataway at [whataway@lnha.org](mailto:whataway@lnha.org).