



## LNHA Regulatory Update: July 2019

### Emergency Rule

#### **Nursing Facilities- Licensing Standards. Virtual Visitation (LAC 48:I.9781)**

Act 596 of the 2018 Regular Session of the Louisiana Legislature directed the Louisiana Department of Health (LDH) to establish provisions governing nursing facility virtual visitation. Specifically, LDH was directed to provide for consent by a nursing facility resident or a legal representative relative to the authorization for installation and use of a monitoring device in the room of the resident.

In the November 2018 edition of the *Louisiana Register*, LDH published an Emergency Rule which adopted provisions governing virtual visitation. This Emergency Rule is being adopted in order to continue the provisions of the November 2018 Emergency Rule. Accordingly, no substantive changes are being made to the current practice and regulatory framework of electronic monitoring in residents' rooms. A full text of the rule can be found [here](#) on page 19 of the PDF.

### Final Rule

#### **Geriatric Training Nursing Facility Reimbursement Rate (LAC 50:II.20026)**

In March 2019, LDH published a Notice of Intent proposing to adopt a reimbursement methodology for a nursing facility that has a Cooperative Endeavor Agreement (CEA) with Louisiana State University (LSU) to conduct a geriatric nursing facility training program at the location of the current John J. Hainkel Jr. Home and Rehabilitation Center (Hainkel Home). The proposed rule stated effective for dates of service on or after July 1, 2019, LDH shall provide a private nursing facility reimbursement rate of \$365.68 per resident per day to an entity that has a CEA with LSU to operate the current Hainkel Home or any future locations of the Hainkel Home. The rate is all-inclusive. Add-ons shall not be permitted under this reimbursement rate. An annual cost report shall be filed with LDH and the provisions of the rule are subject to approval by Centers for Medicare and Medicaid Services (CMS) of a state plan amendment authorizing such payment.

Since its introduction, the proposed rule has been properly implemented through the administrative process. As such, the rule became effective on July 20, 2019. However, implementation of this rule may be contingent upon approval of CMS, if it is determined that submission to CMS for review and approval is required. A full text of the rules can be found [here](#) on page 76 of the PDF.

### 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).