



LNHA State Regulatory Update: June 2018

Final Rules

Nursing Facilities — Admissions and Continued Stay Criteria (LAC 50:II.Chapter 5)

In February, the Louisiana Department of Health (LDH) published a Notice of Intent to amend the regulations regarding admissions and continued stay criteria. Shortly thereafter, LDH published a Potpourri which made additional changes to the Admissions and Continued Stay Criteria. LNHA described these changes in its February and March Regulatory Updates.

Specifically, the proposal made changes to the PASRR process and the medical certification required during the process. It also separated the certification requirements into two categories: Initial Admissions and Continued Stay Requests. Previously, the documentation for all admissions was the same, however the paperwork now differs by category. The new regulations also identify documentation that is required for an “initial admission” as well as documentation that is required for a “continued stay.” The documentation requirements are different. For instance, a “continued stay request” must now contain “documentation to support the request for continued stay including a MDS 3.0 conducted no more than 14 calendar days prior to the request.”

Since its introduction in February, the proposed regulations have been properly implemented through the administrative process. As such, the rules became effective on June 20, 2018. A full text of the rules can be found [here](#) on page 31-32.

Nursing Facilities Standards for Payment (LAC 50:II.10101 and 10156)

In March, LDH filed a Notice of Intent to amend LAC 50.10101 and 10156 in the Medical Assistance Program. The department amended the provisions governing the standards of payment in nursing facilities to clarify the provisions governing the levels of care pathways and to eliminate the behavioral pathway for meeting nursing facility level of care. LNHA detailed the Notice of Intent in its [March Regulatory Update](#).

Since their introduction in March, the proposed regulations have been properly implemented through the administrative process. Accordingly, the behavioral pathway has been eliminated as a pathway for meeting nursing facility level of care. Current residents who met the facility level of care by triggering the behavioral pathway prior to the promulgation of this rule shall continue to remain eligible for services requiring nursing facility level of care until: (a) the individual is discharged from long term care services or (b) the individual has been found eligible for services in another program or setting more appropriate to their needs. A full text of the rules can be found [here](#) on pages 32-33.

If you have any questions or concerns about these regulations, contact LNHA’s Legal and Policy Director Wes Hataway at whataway@lnha.com.