



## State Regulatory Update: February 2017

### Emergency Rules

*Recovery Audit Contractor Program (LAC 50:I.Chapter 85)* – The Patient Protection and Affordable Care Act (PPACA) directed states to establish a Recovery Audit Contractor (RAC) program to audit payments to Medicaid providers. Accordingly, LDH developed such a program which was implemented through an Emergency Rule promulgated on November 20, 2014. The current Emergency Rule simply extends the provisions on the November 20, 2014, Emergency Rule in order to avoid federal sanctions. No substantive changes have been made to the program.

### Notice of Intent

*Office of State Fire Marshal, Code Enforcement and Building Safety, Fire Protection (LAC 55:V.101,103, Chapters 3 and 11 and 1501)*- The Office of the State Fire Marshall has proposed to update its code reference materials. This includes the NFPA 1 Fire Code and the NFPA 101 Life Safety Code. As of July 1, 2017, the plans and specifications for every structure built or remodeled in the state shall be submitted for review and must be drawn in accordance with the applicable requirements of the 2015 edition of the NFPA 101 Life Safety Code (excluding chapter 5, which may be used as a basis for equivalency determinations) and the 2015 edition of the NFPA Fire Code. The proposed rule also provides a reference chart citing the applicable Life Safety Code edition to be utilized for existing buildings or remodels. A complete text of the proposed rule can be found [here](#).

### Final Rules

*Nursing Facilities- Evacuation and Temporary Sheltering Costs (LAC 50:II.20019)*- LDH has published its final rule regarding evacuation and temporary sheltering costs. The rule addresses allowable costs as defined in the CMS Publication 15-1-21 and care-related expenses as defined in LAC 50:II.20005. The rule also addresses Medicaid vendor payments for various evacuation sites and scenarios including:

- When a NF resident is evacuated to a temporary shelter site (an unlicensed sheltering site or a licensed NF) for less than 24 hours, the Medicaid vendor payment to the evacuating facility will not be interrupted.
- When the NF resident is evacuated to a temporary shelter site (an unlicensed sheltering site or a licensed NF) for greater than 24 hours, the evacuating nursing facility may submit the claim for Medicaid vendor payment for a maximum of five days, provided the evacuating nursing facility provides sufficient staff and resources to ensure the delivery of essential care and services to the resident at the temporary site.
- When the NF resident is evacuated to a temporary shelter site, which is an unlicensed sheltering site, for greater than five days, the evacuating nursing facility may submit the claim for Medicaid vendor payment for up to an additional 15 days, provided that the evacuating NF received an extension to stay at the unlicensed shelter site and it provides sufficient staff and resources to ensure the delivery of essential care and services to the resident, and to ensure the needs of the resident are met.
- When the NF resident is evacuated to a temporary shelter, which is a licensed nursing home, for greater than five days, the evacuating nursing facility may submit the claim for Medicaid vendor payment for an additional period, not to exceed 55 days, provided that certain conditions are met.
- If a NF resident is evacuated to a temporary shelter site which is a licensed NF, the receiving/host nursing facility may submit claims for Medicaid vendor payment as long as certain conditions are met.

The complete text of the final rule can be found [here](#). If you have any questions or concerns regarding any of the preceding regulations, please contact Wes Hataway at [whataway@lnha.org](mailto:whataway@lnha.org).