

2020 Second Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 21

BY REPRESENTATIVES WHEAT AND EDMONDS

MEDICAID: Requests the La. Dept. of Health to submit documentation to the federal Medicaid agency to provide financial relief for providers of services for people with developmental disabilities (Item #28)

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana Department of Health to immediately submit certain  
 3 documentation to the Centers for Medicare and Medicaid Services to provide  
 4 financial relief for providers of adult day center services, home- and community-  
 5 based services, and intermediate care facilities for people with developmental  
 6 disabilities.

7 WHEREAS, the Centers for Medicare and Medicaid Services of the U.S. Department  
 8 of Health and Human Services, referred to hereafter in this Resolution as "CMS", is  
 9 authorized by Section 1915(c)(4)(b) of the Social Security Act to allow certain providers to  
 10 continue to bill for individuals enrolled in a Medicaid program and individuals receiving  
 11 personal care or habilitation services that include personal care specified in their person-  
 12 centered service plan when circumstances prevent these individuals from receiving these  
 13 services; and

14 WHEREAS, these services could include self-quarantining activities during the  
 15 COVID-19 public health emergency, which led to the temporary closure of a provider or  
 16 limited a provider's ability to furnish the type of in-person services that are typically  
 17 included in the service plan; and

18 WHEREAS, CMS is currently authorizing certain home- and community-based  
 19 providers to bill and receive retainer payments for individuals enrolled in Medicaid even if  
 20 the service cannot be provided during the COVID-19 public health emergency; and

1           WHEREAS, on March 22, 2020, the Louisiana Department of Health ordered that  
2 all adult day center services shall close to protect the health and safety of individuals during  
3 the COVID-19 public health emergency; and

4           WHEREAS, as of the date of filing this Resolution, adult day service centers have  
5 remained closed and are at risk of permanent closure due to the financial hardships  
6 experienced through the COVID-19 public health emergency; and

7           WHEREAS, this legislature finds that these services are essential to the health and  
8 well-being of persons with disabilities and funding for these services are critical during this  
9 public health emergency.

10           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
11 urge and request the Louisiana Department of Health to immediately submit requests for all  
12 retainer payments associated with the COVID-19 public health emergency for home- and  
13 community-based service providers.

14           BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby urge  
15 and request the Louisiana Department of Health to submit the applicable documentation  
16 necessary for reimbursement of COVID-19-related expenditures, reimbursement for hazard  
17 pay, and overtime compensation for providers of adult day center services, home- and  
18 community-based service, and intermediate care facilities for people with developmental  
19 disabilities.

20           BE IT FURTHER RESOLVED that the Louisiana Department of Health shall submit  
21 proof of submission of the retainer and reimbursement payments to the House Committee  
22 on Health and Welfare, House Committee on Appropriations, Senate Committee on Health  
23 and Welfare, Senate Committee on Finance, and the David R. Poytner Legislative Research  
24 Library not later than thirty days after final adjournment of the 2020 Second Extraordinary  
25 Session.

26           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
27 secretary of the Louisiana Department of Health.

---

**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HCR 21 Original

2020 Second Extraordinary Session

Wheat

Urges and requests the La. Dept. of Health to immediately submit requests for all retainer payments associated with the COVID-19 public health emergency for home- and community-based service providers and to submit all applicable documentation for reimbursement of COVID-19-related expenditures for providers of adult day center services, home- and community-based services, and intermediate care facilities for the developmentally disabled not later than 30 days after the final adjournment of the 2020 2<sup>nd</sup> Extraordinary Session.