

GREEN SHEET REDIGEST

HB 204

2021 Regular Session

Turner

EXCEPTIONAL PERSONS: Provides relative to the delivery of Medicaid-funded services for persons with disabilities

DIGEST

Proposed law defines "direct service worker", "individual and family support services", "long-term personal care services", "service recipient", and "synchronous interaction".

Proposed law provides that in unforeseen situations when the scheduled direct service worker becomes unavailable or if the service recipient is not comfortable with multiple people in his home, the Louisiana Department of Health (LDH) shall not limit the number of individual and family support service hours that a direct service worker may work in a 24-hour period as long as that worker is willing and able to work. Proposed law allows LDH to limit the number of individual and family support service hours that a direct service worker works in a 24-hour period if LDH determines that the service recipient's health or safety is at risk.

Proposed law provides that no program which furnishes home- and community-based services shall prohibit a family member from being a direct service worker for the service recipient in order to qualify for payment through the waiver program. Proposed law allows LDH to prohibit a family member from being a direct service worker or prohibit a paid family caregiver from living in the same setting as a service recipient if LDH determines that the service recipient's health or safety is at risk or if fraud, waste, or abuse has been identified.

Proposed law stipulates that a paid family caregiver who lives in the same setting as a service recipient shall provide no more than 40 hours of Medicaid-funded services to the recipient in a work week. Provides that after 40 hours have been provided in a work week, the caregiver may deliver additional units of Medicaid-funded services in that work week only when authorized by the regional waiver office or due to an emergency.

Proposed law requires that service recipients and their direct service workers take all measures necessary to achieve compliance with the 40-hour limit established by proposed law.

Proposed law stipulates that each service recipient's hours shall be based on the recipient's current approved plan of care. Requires that any request for additional hours must have the approval of the designated LDH authority and shall include written relevant assessments and documented justification.

Proposed law provides that in instances in which a direct service worker lives in the same setting as the service recipient, LDH shall require documentation of services rendered and verification of the documentation.

Proposed law provides that individual and family support services may be used to provide relief to the primary caregiver but shall not be used to supplant primary care available to the service recipient through natural and community supports.

Proposed law provides that each Medicaid waiver and long-term personal care services program which requires quarterly visits to a service recipient's home shall, upon request of the service recipient, allow for the visits to be conducted remotely through any means of synchronous interaction, including virtual contact, approved by LDH.

Proposed law authorizes the following services provided in a home setting through any Medicaid waiver or long-term personal care services program to be delivered by synchronous interaction: case management and support coordination, monthly monitoring, supervised independent living visits, and in-home habilitation.

Proposed law provides that LDH shall require a face-to-face visit by a support coordinator and personal care attendant supervisor no less than every six months and requires the visits to be quarterly for those service recipients identified by the department. Provides LDH shall require documentation, and verification of the documentation, for services delivered through synchronous interaction and requires LDH to share the documentation with a service recipient's support coordination agency and provider agency.

Proposed law requires LDH to promulgate rules necessary to implement proposed law.

Proposed law is subject to the approval of the Centers for Medicare and Medicaid Services (CMS). Any provision of proposed law that is or becomes contrary to federal law, regulation, process, or policy or that would result in the loss of federal financial participation shall be void.

(Adds R.S. 40:1250.31-1250.35)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Delete proposed law prohibiting LDH from limiting the number of individual and family support service hours that a direct service worker may work in a 24-hour period. Add in lieu thereof proposed law providing that in unforeseen situations when the scheduled direct service worker becomes unavailable or the service recipient is not comfortable with multiple people in his home, LDH shall not limit the number of individual and family support service hours that a direct service worker may work in a 24-hour period as long as that worker is willing and able to work.
2. Delete proposed law stipulating that no Medicaid waiver or LT-PCS program which furnishes home- and community-based services shall require that a direct service worker live apart from the service recipient in order to qualify for payment through the waiver or LT-PCS program. Add in lieu thereof proposed law providing all of the following:
 - a. No program which furnishes home- and community-based services shall prohibit a family member from being a direct service worker for the service recipient in order to qualify for payment through the waiver or LT-PCS program.
 - b. A paid family caregiver who lives in the same setting as a service recipient may provide no more than 40 hours of Medicaid-funded services to the recipient in a work week. After 40 hours have been provided in a work week, the caregiver may provide additional units of Medicaid-funded services in that work week only in one or both of the following circumstances:
 - (i) When authorized by the service recipient's support coordinator.
 - (ii) Due to an emergency.
 - c. Service recipients and their direct service workers shall take all measures necessary to achieve compliance with the 40-hour limit established by proposed law.
3. Authorize the provision of certain support coordination services through synchronous interaction.

4. Require LDH to share with a service recipient's support coordination agency and provider agency documentation on synchronous interactions.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the engrossed bill

1. Clarifies that a direct service worker may provide services and support to the elderly.
2. Redefines individual and family support services and long-term personal care services.
3. Allows LDH to limit the number of hours worked by a direct service worker in certain circumstances.
4. Removes long-term personal care services from proposed law relative to payments to a family member acting as a direct service worker.
5. Clarifies regional waiver office responsibilities.
6. Allows LDH to prohibit a family member from acting as a direct service worker in certain circumstances.
7. Provides for use of individual and family support services.
8. Deletes provision allowing monitored in-home caregiving to be delivered by synchronous interaction.
9. Provides for visits by a support coordinator and personal care attendant supervisor.
10. Makes proposed law subject to CMS approval and voids any provision contrary to federal law or regulation.
11. Makes technical changes.