

2022 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 4

BY REPRESENTATIVE BUTLER

MEDICAID: Increases Medicaid reimbursement to intermediate care facilities for resident leave of absence days

1                                   A CONCURRENT RESOLUTION

2 To amend the Louisiana Department of Health rule, LAC 50:VII.32913(A) and (C), which  
3 provides for Medicaid reimbursement to non-state intermediate care facilities for  
4 persons with intellectual and developmental disabilities for resident leave of absence  
5 days, and to direct the office of the state register to print the amendments in the  
6 Louisiana Administrative Code.

7 WHEREAS, intermediate care facilities for persons with intellectual and  
8 developmental disabilities, known commonly as ICFs, are residential facilities at which  
9 children and adults with special needs receive individualized health care and habilitation  
10 services; and

11 WHEREAS, these facilities are regulated under the provisions of Part VI-E of  
12 Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950 (R.S. 40:2180 et seq.) and  
13 Subpart 3 of Part VII of Title 50 of the Louisiana Administrative Code (LAC 50:VII.30101  
14 et seq.); and

15 WHEREAS, though ICFs are institutional long-term care facilities, many of them  
16 implement service-enriched models of care and provide high-quality programs and  
17 therapeutic activities that help their residents achieve the greatest degree of independence  
18 and best quality of life; and

1 WHEREAS, the Joint Medicaid Oversight Committee, in the annual report that it  
2 submitted to the legislature in January of 2022, documented the ongoing workforce crisis  
3 and urgent need for investment in this state's disability services system; and

4 WHEREAS, ICFs are an integral part of the disability services system and the state  
5 Medicaid program overall; and

6 WHEREAS, the administrative rules of the Louisiana Department of Health which  
7 set Medicaid payments to ICFs for resident leave of absence days at a percentage of those  
8 facilities' per diem rates on file as of February 19, 2009, are emblematic of what advocates  
9 for people with disabilities claim is a pattern of chronic underfunding of the disability  
10 services system within the state Medicaid program; and

11 WHEREAS, increasing Medicaid reimbursement to ICFs for resident leave of  
12 absence days is a means of contributing to workforce retention at these facilities; and

13 WHEREAS, the provisions of R.S. 49:969 authorize the legislature, by concurrent  
14 resolution, to suspend, amend, or repeal any rule or regulation adopted by a state department,  
15 agency, board, or commission.

16 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that LAC  
17 50:VII.32913(A) and (C) are hereby amended to read as follows:

18 §32913. Leave of Absence Days  
19 A. The reimbursement to non-state ICF/DDs for hospital leave of absence  
20 days is ~~75~~ 85 percent of the current applicable per diem rate.

21 \* \* \*  
22 C. ~~Effective for dates of service on or after February 20, 2009, the~~ The  
23 reimbursement to non-state ICF/DDs for leave of absence days is ~~75~~ 85 percent of  
24 the current applicable per diem rate ~~on file as of February 19, 2009~~ provided for in  
25 this Chapter.

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 BE IT FURTHER RESOLVED that the office of the state register is hereby directed  
2 to have the amendments to LAC 50:VII.32913(A) and (C) printed and incorporated into the  
3 Louisiana Administrative Code.

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## 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)]

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HCR 4 Original

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Present administrative rule provides for the following schedule of reimbursement to non-state intermediate care facilities (ICFs) for resident leave of absence days:

- (1) For hospital leave of absence days, 75% of the applicable per diem rate.
- (2) For other leave of absence days, 75% of the applicable per diem rate on file as of February 19, 2009.

Resolution amends present administrative rule to provide that reimbursement to non-state ICFs for all leave of absence days shall be 85% of the current applicable per diem rate.

(Amends LAC 50:VII.32913(A) and (C))