
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)]

HB 687 Reengrossed

2024 Regular Session

Butler

Abstract: Establishes the licensure provisions for the "PACE" program.

Proposed law adds "Program for All-Inclusive Care of the Elderly (PACE) Provider" to the list of employers for which a background check is required as provided for in present law.

Proposed law provides that proposed law shall be known and may be cited as the "Licensing Program for All-Inclusive Care of the Elderly (PACE) providers".

Proposed law authorizes the La. Dept. of Health (LDH) to promulgate and publish rules and regulations to provide for the licensing of the PACE providers.

Proposed law defines "department", "license", "PACE enrollee", "PACE services", "PACE provider", "secretary", and "standards".

Proposed law requires all PACE providers to be licensed by LDH and stipulates certain criteria for licensure validity. Proposed law further provides that a PACE license shall be valid for 12 months, beginning the month of issuance, expiring on the last day of the twelfth month.

Proposed law requires LDH to facilitate the form for the physical license and requires licensees to post licenses in conspicuous locations.

Proposed law provides that PACE licenses shall not be transferrable; Proposed law requires new owners of newly acquired PACE providers to notify LDH of the change in ownership and apply for new licensure at least 45 days before the transfer in ownership.

Proposed law requires PACE providers to only provide services to participants who have chosen the PACE program and are approved by Medicare or the state Medicaid program.

Proposed law further requires PACE providers to only provide services to approved PACE enrollees.

Proposed law allows PACE providers to provide services to all of the following approved PACE enrollees:

- (1) Home- and community-based services as provided in present law.

- (2) Adult day health care facility services as provided in present law.
- (3) Home health agency services as provided in present law.

Proposed law allows PACE providers to contract with a Louisiana-licensed and certified hospital, nursing facility, or hospice agency, to arrange or provide hospital, nursing facility, or hospice services for an approved PACE enrollee. Proposed law further establishes parameters for such contracting.

Proposed law requires LDH to prescribe, promulgate, and publish rules and regulations, and licensing standards. Proposed law further provides criteria for such rule promulgation.

Proposed law provides that no PACE provider will be required to obtain licensure in accordance with proposed law until the rules, regulations, and standards are facilitated by LDH.

Proposed law requires PACE providers to submit an initial licensing application and licensing fee to the LDH within 90 days of the promulgation of the initial rules, regulations and licensing standards. Proposed law further provides that if the entity is not licensed within 180 days after submission of its initial licensing application and fee, the entity shall cease and desist operations until such time as it is licensed as a PACE provider by LDH.

Proposed law further provides regulations and fees associated with renewal of licensure.

Proposed law provides that LDH may conduct onsite surveys and inspections for licensees.

Proposed law requires applicants to keep records and maintain certain reports.

Proposed law furnishes penalty provisions for PACE providers who operate without a license.

Proposed law requires LDH to seek an injunction against any PACE provider that receives a cease and desist order from LDH in accordance with proposed law and does not cease operations immediately. Proposed law further requires any PACE provider against whom an injunction is granted to be liable to the department for attorney fees, costs, and damages.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1203.1(4)(aa) and R.S. 40:2120.61-2120.70)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Identify an exception in proposed law that clarifies conflicting provisions regarding when a PACE provider may operate without licensure with or without penalties.

2. Make technical changes.